

NORTH HERTFORDSHIRE DISTRICT COUNCIL



9 January 2026

Our Ref Planning Control Committee 22 January
2026
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

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

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

to be held in the

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

On

THURSDAY, 22ND JANUARY, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

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

Agenda Part I

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 11 DECEMBER, 18 DECEMBER 2025	To take as read and approve as a true record the minutes of the meetings of the Committee held on the 11 December and 18 December 2025.	(Pages 5 - 22)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 25/02115/FP KIRKBY MANOR FARM, NORTHFIELD ROAD, ASHWELL, BALDOCK, HERTFORDSHIRE, SG7 5JQ	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access.	(Pages 23 - 38)

7. **PLANNING APPEALS** (Pages 39 - 44)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

8. **INFORMATION NOTE: PLANNING ENFORCEMENT ANNUAL REPORT 2025 - PART 1** (Pages 45 - 54)
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

To provide Members with an update of planning enforcement activity in 2025.

9. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

10. **INFORMATION NOTE: PLANNING ENFORCEMENT ANNUAL REPORT 2025 - PART 2** 55 - 56
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

To provide Members with an update of planning enforcement activity in 2025.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 11TH DECEMBER, 2025 AT 7.00 PM**

MINUTES

Present: Councillors: *Emma Fernandes (Chair), Clare Billing, Ruth Brown, Val Bryant, Jon Clayden, Ian Mantle, Bryony May, Louise Peace, Martin Prescott and Dave Winstanley.*

In Attendance: *Faith Churchill (Democratic Services Apprentice), Robert Filby (Trainee Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Principal Planning Officer (Development Management)), Nazneen Roy (Locum Planning Lawyer) and Melissa Tyler (Senior Planning Officer).*

Also Present: *At the commencement of the meeting approximately 6 members of the public, including registered speakers.*

96 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 15 seconds

Apologies for absence were received from Councillors Nigel Mason, Caroline McDonnell and Tom Tyson.

Having given due notice, Councillor Jon Clayden substituted for Councillor McDonnell.

97 MINUTES - 23 OCTOBER AND 6 NOVEMBER 2025

Audio Recording – 1 minute 37 seconds

Councillor Emma Fernandes, as Chair, proposed that the Minutes of the Committee held on 23 October be approved, with the following amendment to include the additional response from the Development and Conservation Manager under Minute 75:

- ‘That the Therfield Heath Mitigation Strategy was a material planning consideration.’

This was seconded by Councillor Ruth Brown and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 23 October be approved, as amended, as a true record of the proceedings and be signed by the Chair.

Councillor Emma Fernandes, 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 6 November be approved as a true record of the proceedings and be signed by the Chair.

98 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 54 seconds

There was no other business notified.

99 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 1 second

- (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 advised of a change to the order of the Agenda and that Agenda Item 7 would be taken before Agenda Item 6.
- (7) The Chair confirmed the cut off procedure should the meeting proceed at length.

100 PUBLIC PARTICIPATION

Audio recording – 7 minutes 11 seconds

The Chair confirmed that the registered speakers were in attendance.

101 24/00765/FP FOXLEA, THE MOUNT, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8JH

Audio recording – 7 minutes 40 seconds

The Senior Planning Officer provided a verbal update on matters relating to application 24/00765/FP and advised that:

- The application had been called-in by the Director – Place rather than Councillor Joe Graziano as referred to under the reason for referral to the Committee in the report.
- The text referring to 'Policy AHS1 of the ANP' under paragraph 4.3.7 was an error and should be ignored by Members.
- Two consultation responses were received after the publication of the report from Barley Parish Council who had not changed their objection on the overdevelopment of the site, and Highways whose comments remained unchanged.

The Senior Planning Officer then presented the report in respect of application 24/00765/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- The proposed dwellings had smaller individual footprints than the previously proposed 4-bed dwelling, but the overall footprint and built form of the application remained the same.
- The bungalow would have a mezzanine floor, resembling a chalet bungalow.
- A Biodiversity Net Gain (BNG) of 10% was not required as the application had been submitted a day before it became a statutory requirement.
- All trees on-site would be protected under Condition 14 in the report.
- Harm to the Barley Conservation Area resulting from the application was less than substantial as the Conservation Officer had raised an objection due to the number of dwellings rather than to the development in principle.

The Chair invited the first Public Objector, Barley Parish Councillor Yvonne Lee to speak against the application. Parish Councillor Lee thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Barley Parish Council were opposed to the quantity of dwellings in the application rather than development itself on the site.
- The proposed development would erode the character of the site, be unsympathetic to the area, and harm the character and appearance of the conservation area which would have a marked change on the visual character of the area as acknowledged by the Conservation Officer and Senior Planning Officer.
- The construction of three dwellings would have no great impact on local employment and new residents would provide little economic benefit to the village.
- Three dwellings would not solve the five-year housing land supply deficit for the Council and would not make a material difference to housing delivery in Barley.
- Sustainable features in the application should be considered as necessary rather than of benefit.
- The application would be infill development within an infill site.
- The three pillars of sustainability would not be supported by the application, and it would provide no positive benefits, therefore, even with the tilted balance engaged, the proposal was unbalanced and should be refused.

There were no points of clarification from Members.

The Chair thanked Parish Councillor Lee for their presentation and invited the second Public Objector, Deborah Robinson to speak against the application. Ms Robinson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- 10% BNG became mandatory for small sites on 1 April 2024 and this application was submitted after this on 3 April 2024, yet, no BNG Plan had been created.
- Two amended applications were also submitted after this date.
- The Conservation Officer had criticised the application for excessive hardstanding on concreted areas.
- Many large trees existed on the site and around its borders including a silver birch that was a hundred feet tall and would protrude several metres over the proposed plot 3.
- The lack of a tree survey and arboricultural impact assessment raised concern as there was a lack of detail in the application to preserve the root systems of trees on-site.
- The proposed chalet bungalow would block light from the neighbouring property, Creeve.
- Six additional vehicles would be added to the nearby roads and this would result in more lights in the area from both these and the proposed dwellings at night.
- All these factors constituted a greater degree of harm to the conservation area than suggested in the report of the Senior Planning Officer.

There were no points of clarification from Members.

In response to a question from Councillor Martin Prescott, the Principal Planning Officer (Development Management) advised that:

- The application had been submitted before BNG became statutory for small sites which meant that a 10% BNG was not required.
- Amended plans within the application were submitted after the deadline rather than amended applications, therefore, the statutory BNG did not apply in this instance either.

The Chair thanked Ms Robinson for their presentation and invited the third Public Objector, Lynn Foot to speak against the application. Ms Foot thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application would cause harm to the safety of residents and flow of traffic, conflicting with Policy T1 in the Local Plan.
- It would fail to preserve the character and setting of the area contrary to the Local Plan and National Planning Policy Framework (NPPF).
- Over 46,000 vehicles had been identified as passing through Barley in September, and smaller developments such as this would only compound that number.
- The High Street and The Mount were already severely congested due to on-street parking, and gridlocks were frequent when HGVs and delivery vehicles passed through the village.
- Other small scale, intensive developments had eroded the character of the conservation area and this application represented a tipping point that would cause further harm.
- Section 12 of the NPPF and Policy D1 in the Local Plan had not been met by the application.
- Clear and demonstrable harm to highways safety and the character and setting of the environment would be caused by this application, and Members should refuse planning permission.

There were no points of clarification from Members.

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

- The application was located within the settlement boundary of Barley which supported new windfall development as detailed by Policy SP2 in the Local Plan.
- Planning history demonstrated that the application was in a sustainable location as previous developments on the site had been approved by the Council, and this should be given significant weight in favour of the proposal.
- The application site had not been identified as a significant green space, a key feature in the conservation area, or in a key view by the Conservation Area Appraisal.
- Comments regarding the openness of the site being an important part of the conservation area were not supported by the Conservation Area Appraisal.
- Intervisibility of the site from Cambridge Road and The Mount and with the wider conservation area was limited due to screening provided by dense hedge rows and vegetation.
- The site related best to the adjoining properties of Creeve and Owls Barn in the context of the conservation area.
- Appendix 1 of their Supporting Statement provided a detailed analysis of the area.
- Proposed plots sizes, building footprints and distances between dwellings would reflect other dwellings in this part of the conservation area, therefore, the application would not materially detract from the appearance of the conservation area.

- Public benefits delivered by the application would outweigh any negligible harms.
- National space and local amenity space standards would be exceeded as the development would be low density and not constitute overdevelopment.
- The modern, high-quality design of the dwellings would enhance the village.
- Significant weight should be given to the delivery of three dwellings as the Council could not demonstrate a five-year housing land supply.
- The Dwellings would meet a higher level of design and sustainability standards through a fabric first approach, and both EV chargers and air source heat pumps would be included.
- New residents would contribute to the vitality of the village community and help to support local services and amenities.
- The benefits of the application would clearly outweigh the perceived harms and planning permission should be granted.

The following Members made points of clarification:

- Councillor Jon Clayden
- Councillor Louise Peace
- Councillor Dave Winstanley

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

- Ecological enhancements would be secured through the Landscape Proposal, and through the provision of pollinators in the flowering season, in addition to wildlife boxes that would accommodate a range of species.
- Sustainability standards for the proposed dwellings had already been exceeded, therefore, solar panels were not deemed to be necessary.

In response to points of clarification, the Principal Planning Officer (Development Management) advised that:

- Condition 8 on the application required an Ecological Enhancement Plan to be submitted to ensure wildlife measures throughout the development.
- Condition 9 required swift bricks to be included on the dwellings.

In response to points of clarification, the Senior Planning Officer advised that Condition 14 ensured that any trees retained on-site would be protected.

In response to a question from Councillor Martin Prescott, the Senior Planning Officer advised that an additional condition to protect tree roots on-site could be added.

Councillor Emma Fernandes proposed to grant permission with an additional condition to protect tree roots on-site and this was seconded by Councillor Val Bryant.

As part of the debate, Councillor Martin Prescott highlighted that the proposed dwellings would not have large gardens and would not be in keeping with the area which was important as it was one of the primary gateways to Barley and therefore, this application would be detrimental to the character of the village.

The following Members asked additional questions:

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

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

- The three proposed plots were comparable in density to neighbouring plots and were also within national space standards.
- There was no longer a Council policy on garden sizes.
- Harm to the conservation area was deemed to be less than substantial regardless of whether two or three dwellings were built as the application was infill development.
- Provision of three dwellings rather than two carried a greater benefit.

In response to addition questions, the Principal Planning Officer (Development Management) advised that:

- An additional condition would protect tree roots with a diameter larger than 25mm as roots smaller than this were not considered to be integral to the tree.
- Prior to commencement of works, a survey would be required to identify the spread of tree roots on-site, and any excavation areas within areas that were identified to contain roots larger than 25mm in diameter would have to be dug by hand.
- The proposed dwellings were not located directly underneath the tree canopies identified on-site, therefore, the proposed condition would provide satisfactory protection for tree roots.

In response to additional questions, the Locum Planning Lawyer advised that a delegation of authority could be included in the resolution for officers to finalise the wording of the additional condition in consultation with the Chair of the Planning Control Committee.

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

RESOLVED: That application 24/00765/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, and the addition of Condition 15 to add protection to tree roots on-site, with delegation of authority to be granted to the Development and Conservation Manager to finalise the wording of the Condition in consultation with the Chair of the Planning Control Committee.

N.B. Subsequent to the meeting, the following wording for the additional Condition 15 was agreed with the Development and Conservation Manager and the Chair:

'Condition 15'

Prior to the commencement of development, a survey shall be undertaken to identify the root protection zones of all trees to be retained where construction or excavation works are proposed. Where roots with a diameter of 25mm or greater are identified, any excavation within the root protection zones shall be carried out by hand. A construction method statement detailing safe construction practices within the identified root protection zones, and demonstrating compliance with BS5837:2012 – “Trees in relation to design, demolition and construction – Recommendations” and BS3998:2010 “Recommendations for tree work”, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: To prevent damage to or destruction of the 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 2011–2031.’

102 25/01579/S73 LAND ON THE SOUTH WEST SIDE OF, STEVENAGE ROAD, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 54 minutes 51 seconds

The Principal Planning Officer (Development Management) provided a verbal update on matters relating to application 25/01579/S73 and advised that an updated response had not been received from the Highways Officer and consequently, the conditions on the parent application relating to highways had been rolled forward to this application.

The Principal Planning Officer (Development Management) then presented the report in respect of application 25/01579/S73 and provided a visual presentation accompanied by plans and photographs.

The following Members asked questions:

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

In response to questions, the Principal Planning Officer (Development Management) advised that:

- To comply with building regulations, the proposed dwellings would be required to have either air source heat pumps or solar panels to offset the gas boilers.
- Larger dwellings would have air source heat pumps and the smaller dwellings would have solar panels. However, it was unknown whether this had been done in conjunction with the dwellings that would be sold as affordable housing.
- It was unknown whether every dwelling would contain a gas boiler or if it was just those with solar panels.

Councillor Emma Fernandes proposed to grant permission and this was seconded by Councillor Dave Winstanley.

The following Members took part in the debate:

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

The following points were made as part of the debate:

- Air source heat pumps and solar panels were positive and there was no reason to reject the application.
- If gas boilers were soon to be banned, then why were they being installed at all.

In response to points raised in the debate, the Principal Planning Officer (Development Management) advised that until building regulations were updated, developers would continue to install gas boilers due to financial reasons.

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

RESOLVED: That application 25/01579/S73 be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager.

103 25/01707/FP HATCH PEN, THE JOINT, REED, ROYSTON, HERTFORDSHIRE, SG8 8AZ

Audio recording – 1 hour 4 minutes 50 seconds

The Principal Planning Officer (Development Management) advised that there were no updated matters to report on since the publication of the Agenda.

The Principal Planning Officer (Development Management) then presented the report in respect of application 25/01707/FP and provided a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Jon Clayden

In response to questions, the Principal Planning Officer (Development Management) advised that:

- If the applicant wished to convert the agricultural buildings into residential dwellings, they would have to wait at least ten years after they were constructed before submitting a suitable application for the Council to consider.
- The buildings would be open sided to allow for the use of a forklift to stack hay bales as an enclosed building would not accommodate this.

Councillor Emma Fernandes proposed to grant permission and this was seconded by Councillor Martin Prescott.

As part of the debate, Councillor Ruth Brown highlighted that there would no visual impact from this application on the surrounding area and therefore, there was no reason to refuse it.

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

RESOLVED: That application 25/01707/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager.

104 APPEALS

Audio recording – 1 hour 10 minutes 44 seconds

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

- Three appeal decisions had been received since the last Committee meeting with two appeals dismissed and one allowed.
- The appeal at Friends Green Farm had been allowed as the Inspector had accepted the proposal for a one-way system which resolved the objection raised by Highways. However, this would not be implemented until a decision on the enforcement appeal against the application had been made.
- An update on this enforcement appeal and others would be given at a future meeting.
- Two appeals had also been lodged since the last Committee meeting which were detailed within the report.

Thursday, 11th December, 2025

In response to a question from Councillor Val Bryant, the Principal Planning Officer (Development Management) advised that representation for the appeal at Friends Green Farm had been provided internally by officers and therefore, there had not been a cost to the Council.

The meeting closed at 8.16 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 18TH DECEMBER, 2025 AT 7.00 PM**

MINUTES

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

In Attendance: *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Paul Chaston (Senior Planning Officer), Sam Dicocco (Principal Planning Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Shaun Greaves (Development and Conservation Manager), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

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

Councillor Lisa Nash was in attendance as Member Advocate.

105 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 35 seconds

Apologies for absence were received from Councillors Ruth Brown, Val Bryant and Caroline McDonnell.

106 MINUTES - 20 NOVEMBER 2025

Audio Recording – 1 minute 53 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 20 November 2025 be approved as a true record of the proceedings and be signed by the Chair.

107 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 36 seconds

There was no other business notified.

108 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 41 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.
- (7) The Chair advised that Item 6 – 25/01766/OP had been withdrawn from the agenda.

109 PUBLIC PARTICIPATION

Audio recording – 5 minutes 2 seconds

The Chair confirmed that the registered speakers were in attendance.

110 25/01766/OP LAND ON THE SOUTH SIDE OF, COWARDS LANE, CODICOTE, HERTFORDSHIRE

Audio recording – 5 minutes 7 seconds

The Chair confirmed that this item had been withdrawn from the agenda.

111 23/01552/OP LAND SOUTH OF, WATTON ROAD, KNEBWORTH, HERTFORDSHIRE

Audio recording – 5 minutes 41 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 23/01552/OP and advised that:

- Two further neighbour objections were received; both were available on the public access hub. The points raised were already addressed in the report.
- There were three errors in the report at Table 3 which needed correcting. Firstly, the land cost for secondary education was not included as part of the Heads of Terms and should be removed, however the overall contribution was stated correctly. Secondly, the project description of 5 to 11 year old childcare contribution should be to increasing facilities at the new primary school or provisions serving the development. Thirdly, the Herts County Council monitoring fee should be £420 per distinct trigger.
- In response to a query raised by Councillor Louise Peace regarding the comparison between the journey times to Lister hospital, with one taking a different route through Stevenage. Having used the same route for both the current and proposed journey time, following the closure of Swangley's Lane, both took 14 minutes.

The Senior Planning Officer then presented the report in respect of Application 23/0152/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Martin Prescott
- Councillor Louise Peace

- Councillor Bryony May
- Councillor Nigel Mason

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

- The bollard-controlled route would be locked by padlock not automatic and would likely be maintained by HCC Highways.
- Any comparison between 2020 and current traffic levels would not be representative due to the Covid lockdowns in 2020.
- The applicant's transport consultant had provided a potential explanation for the increase in westbound morning traffic on Watton Road in the new development at Bradbury End, and other traffic diverting to Watton Road to avoid congestion elsewhere on the road network.
- There were historic concerns around Swangleys Lane, but this was not material to this planning application.
- Potential future scenarios for the road through the development would be dealt with if they arose but were not material to this planning application.
- The ratio of flow to capacity (RFC) in 2028 of the Watton Road arm of the B197 roundabout would increase from 0.79 with other committed development to 1.01 with this development, i.e. over capacity. Other arms would be under capacity, so the appropriate mitigation would be to re-balance flows, perhaps with traffic signals.
- The Bell Close crossing was included to join up footways. The final location and detailed design have yet to be agreed with the Highway Authority.
- There was no space in Swangleys Lane to add a footway.
- The issue of turning heads for larger vehicles within the development site was a reserved matter issue.
- The applicant has suggested a Schools Street on Swangleys Lane to stop parking outside the school during school start and end. Parents would still be able to park, for instance, at St Martins Road car park for free and walk their children to school from there.
- Any School Street would be addressed under the Section 278 agreement and a Traffic Regulation Order.

In response to questions, the Senior Planning Officer advised that in response to the reason for the deferral to address concerns around emergency vehicle access routes following the closure of Swangleys Lane, the Applicant had agreed to install a rising bollard system to allow emergency vehicular access.

In response to questions, the Development and Conservation Manager advised that there had been twelve letters of support from residents on Swangleys Lane.

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

- He and his wife lived in Swangleys Farm House and their main concern was the closure of Swangleys Lane and the potential impact this could have to vital emergency journeys he made to Lister Hospital.
- In July the application was deferred to consider options for potentially keeping Swangleys Lane open, while deterring rat running. However, the revised proposal still closed the Lane with a padlocked bollard for emergency vehicles.
- The report outlined that queueing on Watton Road could vary, which contradicted the forecast there would only be one minutes variance caused by the closure of Swangleys Lane.
- In an emergency situation, time was critical and the installation of a lockable bollard did not resolve the risk, but added further uncertainty into the journey.
- The lockable bollards cannot be accessed by local residents in an emergency.

- The traffic impact of the development was unacceptable, where updated counts show Watton Road/Station Road roundabout currently operated within capacity, but the development would push it over capacity.
- In July, Watton Road was closed for 3 days and the traffic was diverted through Swangleys Lane. However, if Watton Road was to close following the closure of Swangleys Lane, this would result in a 12-minute detour around the village.
- The better alternative would be to keep Swangleys Lane open but to deter rat running with junction alignment, turning bays and a 20 MPH speed limit.

The following members asked points of clarification:

- Councillor Martin Prescott
- Councillor Louise Peace

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

- Of the twelve letters of support sent by residents only one was a resident of Swangleys Lane.
- He had asked for access to a key for the bollard for emergency use but this had been denied by HCC highways.

The Chair thanked Mr Wilson for their presentation and invited the second Public Objector, Dean Goodman to speak against the application. Mr Goodman thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He was a representative of Datchworth Parish Council as Chairman of the planning committee.
- He was a retired chartered town planner and highways engineer.
- At the previous meeting in July, Councillors expressed concern regarding intended changes to Swangleys Lane and in response the agent, Mr Ball, agreed to revert to a previous plan which kept Swangleys Lane open.
- Keeping Swangleys Lane open would provide a direct route for Datchworth residents to the heart of Knebworth.
- Datchworth would also become a through road for those leaving the new development.

In response to a point of clarification from Councillor Martin Prescott, Mr Goodman advised that his preferred option to keeping Swangleys Lane open would be to introduce a roundabout and allow two way traffic up the road.

The Chair thanked Mr Goodman for their presentation and invited the Member Advocate, Councillor Lisa Nash to speak against the application. Councillor Nash thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Residents of Knebworth and the surrounding areas strongly opposed this development.
- As a semi-rural area residents relied on single lane roads such as Swangleys Lane to access amenities.
- Watton Road roundabout would be over capacity and Watton Road residents have raised significant concerns, including having witnessed vehicles mounting the pavement to get by.
- HCC stated that speed safety measures were non-compliant.
- Swangleys Lane was an essential lifeline for Datchworth residents who regularly use shops in Knebworth and closing this would undoubtedly isolate them. This would have a negative impact on businesses in Knebworth.

- The response times for emergency vehicles would be increased to get to the Lister Hospital.
- Many children in Knebworth needed to travel to receive education and, as there was no secondary school and with limited public transport, private cars were one of the only options.
- With few employment opportunities in Knebworth, 200 new dwellings would result in more traffic due to commuting to work.
- The report did not mention the 770 houses being developed nearby including Bradbury End.
- The report also states that Watton Road was 5 – 5.5 meters wide but parts were nearer 4.5 meters.
- A significant amount of the residential footpath is narrow at 1.25 – 1.3 meters wide, which was lower than the recommended minimum of 2 meters wide for walkways.
- Claims that traffic had increased 17% since 2020 were inaccurate.
- The Council should request testing as the peak traffic times were different from the off peak traffic times
- Any impact on Watton Road was going to worsen an existing problem which was awful and traveling through the centre would result in a cumulative effect of traffic, which was non-viable and incomprehensible.

The following members asked points of clarification:

- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Martin Prescott

In response to points of clarification, Councillor Nash advised that:

- Most children in the area went to secondary school in Hitchin, with some traveling to Barnwell in Stevenage.
- There was no direct bus from Knebworth to Barnwell Secondary School.
- There was no bus between Knebworth and Datchworth.

In response to an earlier question from Councillor Martin Prescott, the Development and Conservation Manager advised that of the twelve letters of support for the closure of Swangley's Lane received, 9 of these were from residents on St Martin's Road, 1 on Swangley's Lane and 2 on Old Lane.

The Chair thanked Councillor Nash for their presentation and invited the applicant, Chris Ball to speak in favour of the application. Mr Ball thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The site was allocated in the Local Plan, which was tested through public hearings, and found sound by the Planning Inspector and adopted by the Council.
- This application was located in site KB4.
- Traffic surveys were conducted in September 2025, to avoid the quieter period during the school holidays in August.
- Time was spent with Council planning officers, as well as HCC Highways, to discuss previous reasons for deferral.
- The updated transport assessment concurred with the HCC Highways assessment and supported the closure of Swangley's Lane. However, a change to introduce a collapsible bollard system to allow for emergency vehicle access was now included.
- The approach taken to the new assessment insured the cumulative impact of all developments in Knebworth were understood and was reviewed and accepted by HCC Highways.

- The highways authority suggested a two-strand mitigation approach which was accepted by the Applicant.

The following members asked points of clarification

- Councillor Martin Prescott
- Councillor Claire Billing
- Councillor Nigel Mason

In response to points of clarification Mr Ball advised:

- HCC Highways objected to the original roundabout option and therefore the closure of Swangleys Lane was introduced.
- The section 106 education contribution would go into HCC approved projects.

In response to points of clarification, the Development and Conservation Manager advised that Council Planning Officers agreed with HCC Highways about the closure of Swangleys Lane.

In response to points of clarification, the Senior Transport Policy Officer advised that it would be at the discretion of HCC to provide a key to a resident for the bollards. He confirmed that should there be an obstruction to Watton Road, then the emergency access through Swangleys Lane could be opened for all traffic.

Councillor Nigel Mason proposed to grant permission and Councillor Emma Fernandes seconded.

The following members took part in the debate:

- Councillor Martin Prescott
- Councillor Dave Winstanley
- Councillor Tom Tyson
- Councillor Emma Fernandes
- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Nigel Mason

Points raised during the debate included:

- It was still unclear why the closure of Swangleys Lane was necessary as neighbourhoods need to be liveable for residents.
- Whilst there were still concerns about the proposed closure of Swangleys Lane, the views of the professionals at HCC Highways have to be accepted when considering alternative options.
- This site was allocated in the Local Plan and that should be honoured, despite remaining concerns regarding the transport proposals.
- On balance this development was necessary due to a need to demonstrate a 5 year housing land supply, which the Council currently did not meet.
- The closure of Swangleys Lane would promote a modal shift to active travel methods and would encourage people to walk to the school. Granting access to local residents in an emergency to Swangleys Lane would be preferable.
- Using the tilted balance there was no significant reason for rejection and therefore planning permission should be granted.
- Highways had provided clear support for a proposal which included the closure of Swangleys Lane and it was important Members took this on board when making decisions.

Thursday, 18th December, 2025

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

RESOLVED: That planning permission is resolved to be **GRANTED** subject to the completion of a satisfactory legal agreement or similar mechanism, with details of delivery of the planning obligations identified at Table 3 and the following conditions and informatics, with any changes to the wording of the conditions or transfer of conditions to S106 planning obligations delegated to the Development and Conservation Manager, and the applicant agreeing to extend the statutory period in order to complete the agreement.

The meeting closed at 8.42 pm

Chair

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Agenda Item 6

<u>Location:</u>	Kirby Manor Farm Northfield Road Ashwell Baldock Hertfordshire SG7 5JQ
<u>Applicant:</u>	Mr Sam Sheppard
<u>Proposal:</u>	Conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access.
<u>Ref. No:</u>	25/02115/FP
<u>Officer:</u>	Henry Thomas

Date of expiry of statutory period: 28/01/2026

Extension of statutory period: N/A

Reason for Delay: None.

Reason for Referral to Committee: Site Area exceeds 0.5ha.

1.0 Policies

1.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP7 Infrastructure requirements and developer contributions

Policy SP8 Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy CGB1: Rural Areas beyond the Green Belt.

Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt

Development Management Policies

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions
Policy NE4 Biodiversity and geological sites

1.2 Supplementary Planning Documents

Design SPD
Sustainability SPD

1.3 National Planning Policy Framework (2023)

Section 2: Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 - Promoting healthy communities
Section 11 – Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change

2.0 Site History

2.1 24/02712/PNQ - Conversion of existing agricultural buildings to provide 8 residential units – prior approval given.

2.2 23/02338/PNQ - Conversion of existing agricultural barn to provide 4 residential units (2 x 2bed, 1 x 3bed and 1 x 4bed) with all associated building works - prior approval given.

3.0 Representations

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Ashwell Parish Council** – None received.

3.3 **HCC Highways** – Objection

“The proposal is contrary to:

- *NPPF Paragraphs 110 & 112*
- *Manual for Streets*
- *HCC Place & Movement Planning Design Guidance (2024)*
- *Hertfordshire LTP4 Policy 1*

It would result in an unsustainable pattern of development with no realistic provision for active travel or public transport. The Highway Authority therefore recommends refusal.”

3.4 **NHC Environmental Health** – No objection subject to conditions.

3.5 **Environmental Agency** – None received.

3.6 **NHC Ecology** – None received.

3.7 **NHC Waste and Recycling** – None received.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is a cluster of farm buildings and associated hard standing area at Kirby Manor farm, which lies to the north of Ashwell, outside the settlement boundary and on the east side of Northfield Road. The site is within the Rural Area Beyond the Green Belt as per the Local Plan.
- 4.1.2 The site has two access points, a metal gate to the south and a northern access which open to the road. The site consists of 4 agricultural buildings. To the south-west is Kirby Manor Farmhouse, a two-storey dwelling in separate ownership, and to the west is the smaller Kirby Cottage on the other side of Highfield Road, which is owned by the applicant.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access. There would be 2 x 2-bedroom dwellings and 6 x 3-bedroom dwellings.
- 4.2.2 The proposed materials are:

Roof – slate tiles

Windows – Aluminium framed windows

Walls – render

Doors – Aluminium panelled and glazed doors

Boundaries – closed timber board picket fencing on garden boundaries. Rendered block walls where visual separation required.

Vehicle Access – tarmac to driveway entrances and permeable paving to access road and car parking areas

4.3 **Key Issues**

- 4.3.1 The key considerations are:

- The Principle of Development
- Rural Area beyond the Green Belt
- Design/Impact on the Character of the Area
- Impact on the Amenities of Neighbouring Properties/Future Occupiers
- Highways and Parking
- Landscaping

The Principle of Development

- 4.3.2 The Local Plan Policy SP2 sets out the hierarchy for new residential development within the District, with the majority of new housing located within the adjusted settlement boundaries of identified towns with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of policy CGB2 in category C settlements. This site is located within a semi-rural context which falls outside of the category A, B and C settlements and is an area protected by the designation of

Policy CBG1, Rural Areas beyond the Green Belt where there is a presumption against new development.

4.3.3 Local Plan Policy CGB1 states:

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

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area."*

4.3.4 As the proposed development would relate to existing agricultural buildings, Local Plan Policy CGB4 provides further guidance:

"Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

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

4.3.5 The proposal seeks a minor extension to unit 4 which would not have a materially greater impact on the openness than the existing. The submitted Design and Access Statement states that the barns are of permanent and substantial construction, "external alterations are limited to works reasonably necessary for residential use, such as replacement of windows, doors, roofs, and external wall finishes, without wholesale reconstruction". The proposal therefore complies with Policies CGB1 and CGB4.

4.3.6 In addition to this, it is acknowledged that there is a valid fallback position in the form of prior approval for the conversion of these units provided via application refs: 24/02712/PNQ & 23/02338/PNQ under Class Q of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015. The most recent prior approval was for 8 dwellings, which is a scheme that is similar to the proposal with two years remaining for the completion of that approved development. As it is considered that there is a real prospect for the implementation of that development it is considered that it is a relevant material consideration to which significant weight should be attached.

Therefore, in conclusion on this matter it is considered that the proposed development is acceptable in principle.

Benefits of the Development

- 4.3.7 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.
- 4.3.8 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a benefit. The spending of future occupiers would also contribute to the local economy. Secondly, in terms of the social objective, this proposal would add 8 additional dwellings to the District's housing supply which could be delivered in a relatively short space of time. Lastly, in terms of the environmental objective, the proposal would incorporate some sustainable building features, such as EV charging points and new landscaping where appropriate. Section 8 of the submitted Design and Access Statement addresses sustainability and confirms a fabric first approach but that there are opportunities to insert pv panels and air source heat exchange systems. However, reference is not made to the Council's adopted SPD and it is therefore anticipated that the applicant will seek to meet the requirements of Building Regulations and therefore achieve SPD Bronze standards.
- 4.3.9 Overall, on the grounds of sustainability, the economic and social benefits of the proposal are modest in my opinion, which is relative to the scale of development of eight dwellings. Moreover, there would be some environmental benefits through the incorporation of sustainable building features. Moderate weight is attributed to economic and environmental benefits that would arise. Given that the Council does not currently have a five-year supply of deliverable housing land, significant weight is attributed to the modest number of dwellings proposed, which would make a positive contribution to the local housing stock.

Design/Impact on the Character of the Area

- 4.3.10 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.
- 4.3.11 The proposed development would be in an isolated position outside of the settlement boundary. The proposed units have been designed to retain the agricultural aesthetic with sympathetic materials and retaining the scale of the existing barns. The materials are considered to be of high quality and would add to the overall quality of the area. I therefore consider that the proposed development would be appropriate in terms of appearance and design within the context of the locality in accordance with Policies SP9 and D1 of the Local Plan.

The Impact on Neighbouring Dwellings/Future Occupiers

4.3.12 Policy D1 of the Local Plan also requires that development proposals meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.

Impact on Kirby Manor Farmhouse

4.3.13 Kirby Manor Farmhouse sits in proximity to the boundary with the application site (approximately 6.2m) and has four first-floor windows facing towards the site on its northern elevation. There is direct overlooking from first floor windows within the north elevation to the farmhouse of the gardens for Units 1, 2 & 4 but views into the units themselves would be very limited. Conversely, users of the gardens would also have views into the neighbouring dwelling. Due to the position of the windows at first floor and the angle when looking up at them, the severity of the overlooking increases the further from the shared boundary. It is also acknowledged that there would be some acute views from the parking court which sits at slightly higher ground level than Units 1, 2 and 3. I consider that there would be harm arising due to overlooking that would result in a loss of privacy within the gardens to Units 1, 2 and 4 and some harm to the occupiers of Kirby Manor House from use of the gardens to Units 1, 2 and 4 neighbour's amenity. However, the prior approval for 8 dwellings at this property is a valid fallback position and therefore it is necessary to consider the difference between the approved scheme and this proposal.

4.3.14 The main difference between the approved scheme and proposal relates to additional garden land that would serve Units 1, 2 and 4. Overall, the provision of additional garden to these units would be beneficial for future occupiers compared to the approved scheme. As Kirby Manor Farmhouse is set at a higher level and the ability to look into the windows at the distance proposed would be limited, it is considered that the impact upon the privacy of occupiers of the farmhouse would not be significantly greater than the approved scheme. The Environmental Health officer has not raised any objection in terms of noise ingress and egress. Therefore, there would be some adverse impact upon the privacy of existing occupiers of Kirby Manor Farmhouse, but moderate weight is given to this harm in the light of the fallback position.

Impact to Kirby Manor Cottage

4.3.15 Unit 1 at the front of the development is single storey, the proposed windows would not provide any overlooking of neighbouring amenity than can already be given from users of the road. No impact to this neighbour's amenity.

Impact to future occupiers

4.3.16 The proposed units would comply with the minimum nationally described space standards and would see all habitable rooms achieve suitable levels of natural light. However, gardens to Units 1 & 2 would have garden space that would be overlooked by Kirby Manor Farmhouse. Nevertheless, such overlooking of gardens in common within residential developments, and these units would have some garden spaces that would not be heavily overlooked.

4.3.17 As such, I consider that there would be some harm to privacy within the gardens to units 1 and 2 due to overlooking from Kirby Manor Farmhouse and therefore some conflict with Policies D1 and D3 of the Local Plan. However, in the light of the valid fallback position it is considered that the adverse impacts upon living conditions would not significantly and demonstrably outweigh the benefits of the proposed development.

Highways and Parking

4.3.18 Hertfordshire Highways have objected to the proposed scheme. Objections focus on the sustainability of the site and its connectiveness with the surrounding area, predominantly due to there being a lack of footpaths, cycle paths and public transport links. However, agricultural barn conversions are usually in isolated locations with limited public or active transport links. Moreover, the approved scheme for 8 dwellings is a valid fallback position against which this proposal should be assessed and therefore the objection does not outweigh the benefits that would arise and local and national planning policies that allow for this form of development within the countryside.

4.3.19 The proposal would retain the existing accesses with adequate space to allow for vehicles to turn and exit the site in forward gear. 2 parking spaces are provided per unit with 5 visitor parking spaces to comply with Policy T2 of the Local Plan. However, no cycle storage has been provided given the isolated location, but this matter can be controlled by condition.

Biodiversity and landscaping

4.3.20 A preliminary ecological appraisal has been carried out which identifies potential to support protected species. Bat Emergence Surveys confirmed the presence of a low-use day roost by common pipistrelle bats in one of the buildings and a license will need to be obtained from Natural England and the timing of works will need to be undertaken for building 3 outside the main maternity season and under the supervision of a licensed ecologist.

4.3.21 Four integrated bat boxes and four bird boxes are proposed to be installed.

4.3.22 The proposed development is supported by a biodiversity metric and Preliminary Ecological Appraisal which assures that a 10% biodiversity net gain can be achieved in line with Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. If permission was to be granted, this would be secured by imposing the standard BNG Condition. The proposal is considered

acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

4.3.23 The site would be re-landscaped, with new hard and soft landscaping. The proposed layout, and the balance between the two, are considered acceptable. This matter can be controlled by condition. If permission was to be granted, details of new hard and soft landscaping would be required by condition. The proposal complies with Policy NE2 of the Local Plan.

Waste Storage

4.3.24 The proposed units would be served by two bin stores which are set back and screened from the highway.

Sustainability and Environmental Implications

4.3.25 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.

4.3.26 The proposed development, would have no significant implications for the local environment in terms of carbon emissions Whilst consultation responses are outstanding, given the valid fallback position I am satisfied that the proposal would be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

Other Matters

4.3.27 Although Environmental Health has requested a condition for an EV Charger. This is now a building regulation requirement, as such a condition is unnecessary.

4.3.28 Given the relatively constrained nature of the site, it is considered necessary and reasonable that the Permitted Development Rights for classes A to E of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, be removed by condition to control future development on the site. However, cycle storage should be provided and can be achieved within the development. Therefore, a condition is recommended requiring details of cycle storage.

4.4 Conclusion

4.4.1 The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated at between 2.6 and 3.3 years – and therefore there is a potential presumption in favour of development as set out in Paragraph 11 of the NPPF with the tilted balance engaged. The eight new homes will make a positive contribution to the delivery of housing numbers in the District, which is a planning benefit to which significant weight is attached, and the proposed scheme would have a suitable design and appearance.

- 4.4.2 HCC Highways have objected to the proposed scheme on sustainability grounds due to a lack of active and public transport links. However, given that local and national planning policies allow for the reuse or redevelopment of rural buildings in isolated locations with the countryside, this objection does not outweigh these policy considerations and the benefits that would arise from the proposed development.
- 4.4.3 In addition, the fallback position demonstrated via the two PNQ applications is given significant weight.
- 4.4.4 Regarding the harm to neighbouring amenity, whilst this relationship is not ideal, it would be similar to that experienced in residential areas of two storey developments where overlooking of neighbouring gardens occurs.
- 4.4.5 I therefore consider that a refusal on amenity grounds would be limited to the garden area between units 1, 2, 3 and 4 which due to the reasons listed above, and in the light of the valid fall-back position it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. It is concluded therefore that planning permission should be granted subject to the recommended conditions.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

4.7 Legal Implications

- 4.7.1 In making decision 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 any other material considerations. The decision must be in accordance with the plan unless 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.

5.0 Recommendation

- 5.1.1 That planning permission resolved to be GRANTED subject to:
 - A) A response of no objection and any relevant conditions from the North Herts Ecology, to be delegated to the Development and Conservation Manager prior to any decision.
 - B) the agreement to an extension of time to the statutory determination date to allow time for (Ato occur; and
 - C) the conditions and informative set out below:

BNG Statement

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Standard Time Limit

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.

Development in accordance with Plans

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.

Bin Stores

3. Prior to the occupation of the development hereby approved, details including materials and elevations of the bin store shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

Land Contamination

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

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

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

Construction Environmental Management Plan

5. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by an up to date ecological appraisal and include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To safeguard local biodiversity and to comply with Policy NE4 of the Local Plan

Validation Report

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

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

Permitted Development Rights

7. 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, D 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, except for the provision of cycle stores under condition 9 below.

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.

Landscape Completion

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

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

Cycle parking

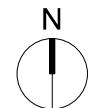
9. No dwelling shall be occupied until provision is made within the site for the storage of bicycles to serve each dwelling. Details of storage buildings for bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

Reason: To make provision cycle parking to encourage active travel and in accordance with the provisions of Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement

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

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PLANNING				
A.	15.09.2025	AC	Road access added	
No.	Date	By	Comments	
Revisions				
Status				
Project				
Kirby Manor Farm				
Crawshaw Architects LLP				
27 Almeida Street London N1 1TD tel: +44 (0)7939 215 114				
Title				
LOCATION PLAN				
Drawing Number				
164 OS 00				Sheet
Drawn	Checked	Scale	Date	Revision
AC	AC	1:1250 @ A3	26.06.2024	A

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PLANNING CONTROL COMMITTEE**DATE: 22 January 2026****PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/DELEGATED	COMMENTS
Mr & Mrs Saroye	First floor rear extension to create a self-contained one-bedroom flat to include installation of external staircase.	101 Pixmore Avenue Letchworth SG6 1QX	25/01438/FP	Appeal Dismissed on 07 January 2026	Delegated	The Inspector stated that the 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. The Inspector appreciated 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. 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 had 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.



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

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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Agenda Item 8

Planning Control Committee

22nd January 2026

*PART 1 – PUBLIC DOCUMENT

Planning Enforcement Annual Report For 2025

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1.0 SUMMARY

- 1.1 This report is prepared to provide an update of the work carried out in 2025 by the Planning Enforcement Team to the Planning Control Committee.
- 1.2 Following the establishment of a new and developing team in 2024, the Planning Enforcement Team investigates and escalates a wide range of breaches in line with the Council's regulatory objectives. This report provides an overview of the planning enforcement function and highlights the areas of review and improvement that have been made or are in progress. It also provides an overview of the performance of the service and outlines key data demonstrating that, overall, the Planning Enforcement service is operating in accordance with the Corporate Enforcement Plan.

2.0 STRATEGIC CONTEXT

- 2.1 It is an objective of the Council Plan, and Local Plan for development to be delivered through planning permission and appropriately controlled to protect and support our borough. Having a fair, robust and effective planning enforcement service is key to this objective.
- 2.2 Local authorities have a duty to investigate alleged breaches of planning control, and may choose to exercise discretionary powers, in the public interest, where the Council considers it expedient to take enforcement action. Decisions about whether to take action are made by officers having regard to the Local Plan and any other material considerations, including the Town and Country (Permitted Development) (England) Order 2015 and the Corporate Enforcement Plan.
- 2.3 The Planning Enforcement Policy sets out the Council's commitment to delivering effective planning enforcement and contributes to the central objectives in the Council Plan to improve the lives and experiences of those who live, work and visit North Herts.
- 2.4 The Town and Country Planning Act 1990 (as amended) and the North Herts Local Plan are the principal frameworks for deciding whether is unauthorised and unacceptable. The National Planning Policy Framework requires Local Authorities to act proportionately in responding to alleged breaches of planning control. National Policy and our Planning Enforcement Plan set the expectation that not all enforcement cases will be dealt with by

formal action and that action should be directed towards breaches of planning that are the most harmful. Therefore, we may decide that it is not proportionate to act against breaches that are found to be minor in nature or causes limited or no harm to residential amenity.

- 2.5 The main alleged breaches we investigate are built development, changes of use, breach of planning conditions, listed buildings, protected trees, advertising, non-compliance with notices, breach of S106 agreements. Reporters details are not disclosed, and investigations are not carried out on their behalf; the objective is for development to be in line with the regulations. We do not investigate boundary issues, quality of development, anticipated breaches or matters that are the responsibility of other regulatory services.
- 2.6 A key message to note is that the Town and Country Planning Act does not make it an offence to carry out development without first obtaining planning permission, however doing so will be at the owner's risk. We prioritise informal approaches to resolve matters and aim to ensure that our decisions are proportionate, reasonable and fair. Where development without the required planning permission is considered to be harmful, we may require remedial works, a retrospective application, cessation or removal.

3.0 TEAM STRUCTURE

- 3.1 Planning enforcement sits within the wider Planning Service structure and functions as the third element planning by validating the objectives of planning policy and development management. Collaboration across the wider planning team and enforcement officers has resulted in positive outcomes through sharing information and working together to progress cases.
- 3.2 Collaboration has been particularly helpful in progressing cases where retrospective applications arise from enforcement cases and for ensuring the robustness and the enforceability of planning conditions. Working alongside each other in the same team has made these conversations and interactions easier and has resulted in the officers supporting each other and achieving positive planning outcomes.
- 3.3 The Planning Enforcement Team is currently comprised of 1 Team Leader, 1 x Senior Compliance Officer (contractor), 3 x Compliance Officers (1 x short term), 1 x S106 Monitoring and Compliance Officer and 1 Technical Support Officer (part-time).
- 3.4 Investigations have increased in diversity and complexity; therefore, the team includes a Senior Compliance Officer to provide support with developing Compliance Officers and progressing cases of a more complex nature and those that have escalated to formal action and beyond.

4.0 PLANNING ENFORCEMENT PERFORMANCE AND RESOLUTION

- 4.1 Alleged breaches can be reported to us via the online form, via email, or by phone via the Duty Officer service available from Monday – Friday from 9am-12 noon. We encourage customers to search the [Council's Planning Enforcement](#) pages, [Council's online planning system](#) and/or [planning portal](#) to first check whether the matter being reported of may benefit from permission, or is a matter that this team investigates. This information is

important in providing guidance and details, as well as a swifter answer to queries that may have permission, as well as explaining what we investigate and the steps that an investigation can take.

4.2 Planning Enforcement performance monitoring data is now published on the Council website to provide information, insight and transparency about the cases we investigate and actions. [Planning enforcement | North Herts Council](#) The information includes the number of:

- cases under investigation
- cases resolved
- retrospective applications
- notices issued
- appeals
- prosecutions

4.3 2025 was particularly productive and built on the achievements of 2024 when real efforts were made within the team to address a backlog of cases that built up over the preceding years. Last year also saw Officers tackling some of the more historic and complex cases in their workloads, some of which have since been considered at appeal and the subject of legal action. This annual report distils the data further to allow for understanding and insight into the information, what it tells us and how we use it.

4.4 The following information demonstrates that the Planning Enforcement team have received lower ratio of emails received that led to new investigations over the past year. This is due to the introduction of an efficient triage process where the Planning Technical Officer dedicated to planning enforcement, with the help of a senior colleague, is able to quickly and efficiently ascertain whether a request is for planning enforcement or in fact for another team/not a Council matter and whether it is clearly a planning breach or not. This ensures that the customer receives a clear response early on and reduces officer workloads.

Enforcement Inbox	
Emails received	1404
Miscellaneous	615
New cases	195
General enquiries	179
No breach alleged	170
Planning consults	84
Members emails	76
Follow-on emails	65
FOI Requests	20

4.5 Performance data on investigations are reported on the Council website and updated on a quarterly basis. This offers insight into the number of cases the team investigate and the enforcement steps taken. The planning enforcement team continues to deal with a high number of requests for investigation as well as managing long term, complex, and escalated enforcement cases.

4.6 With backlogs now significantly reduced, we are exploring how we can help the public understand what we investigate and our approach to resolving cases. With greater

understanding, we anticipate that the numbers of 'no breach' and 'technical breach' cases will reduce to allow proactive monitoring to be introduced to caseloads.

4.7 Objectives for 2026 includes enhancing the reporting form to encourage reported cases to include relevant photos so that investigations can commence, progress and be resolved more swiftly.

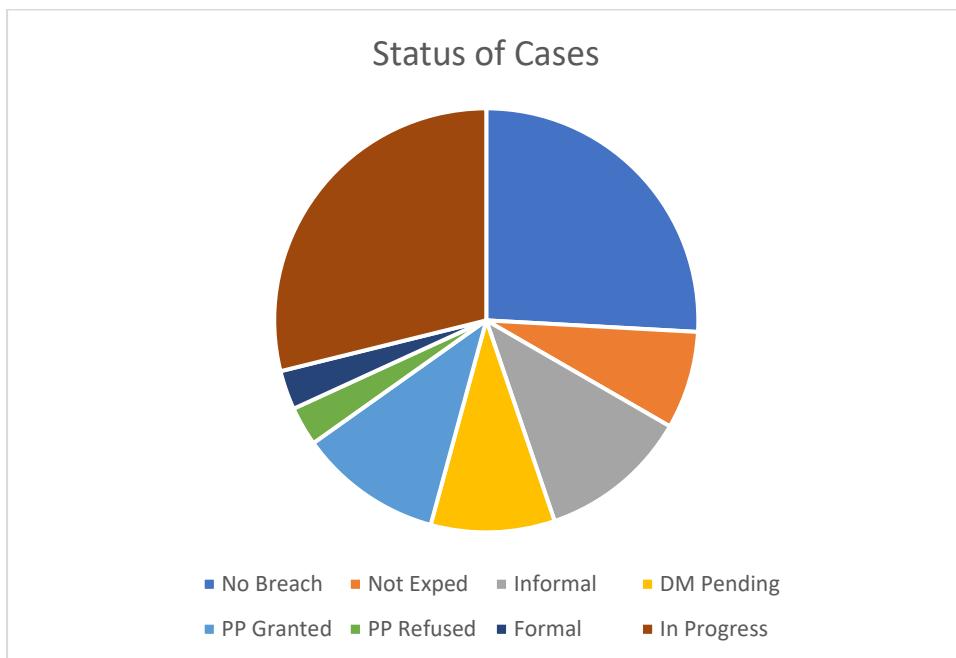
4.8 Investigations:

	New Cases	Cases Resolved	Cases Carried to 2026	Opened 2025	Open Pre 2025	Open Pre 2024
2025	195	214	145	92	53	28

4.9 The number of cases received, and the number of cases resolved can fluctuate; the service is consistently closing more cases each quarter than are received.

4.10 The following table sets out the status of cases investigated in 2025. A common theme for all quarters is that most cases are closed because no breach was identified. In the main this was because of the development being permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.11 This trend means that it is increasingly difficult to manage due to expectations that punitive action should be imposed, along with public perceptions that lack of action is a failure of the Council to fulfil their planning duties.



	No breach	Not expedient	Resolved informally	DM Decision Pending	Permission Granted	Permission Refused	Formal action	In progress
2025	52	15	23	19	22	6	6	58

4.12 The information indicates that most cases have been resolved informally, and is usually the swiftest and most effective way to resolve breaches of planning control. However, these

cases can give rise to strong feelings amongst those affected, often taking up a significant proportion of officers' time in investigating/resolving a dispute, disproportionate to the scale of the breach.

4.13 Many breaches can be regularised through the submission of a planning application and therefore brought within the control of the Local Planning Authority and resolved the breach.

Retrospective Applications:

4.14 In cases where unauthorised development may be acceptable if specific conditions are imposed, we would invite the developer to submit a retrospective application. Reporters are notified when the application is received, so they can review the details and submit comments if they wish to.

4.15 Pre-app advice can be appropriate, particularly in cases where substantial alterations are required to development already built. Should a retrospective application follow, Planning Enforcement may recommend that condition/s are imposed for the alterations to be timely so the harm is resolved within a reasonable timeframe.

4.16 In 2025, over 85 retrospective planning applications were submitted as a result of planning enforcement investigations.

4.17 The Planning Service recognises that not all retrospective applications are submitted due to planning enforcement investigations; therefore, all refused retrospective applications are referred to planning enforcement for action.

Formal Notices:

4.18 Formal notices may be issued for various reasons and are primarily a mechanism to resolve alleged breaches. Notices usually include the right to appeal to the Planning Inspectorate for their independent decision.

4.19 The number of notices served can vary each year depending on the nature and complexity of the breaches and depending on whether the owner is receptive to working favourably with the Council. In these instances, most cases can be resolved without the need to resort to the time and expense of formal enforcement action. As such, a high number of notices served is not always an indicator of resolving planning breaches.

4.20 The following details illustrate the notices served during the last three years.

Type Of Notice	2023	2024	2025
Planning Contravention Notice	2	6	15
S215 Notice		1	
Temporary Stop Notice			3
Breach of Condition Notice		2	
Enforcement Notice	3	4	4
Injunction		1	
Other		1	

- 4.21 2025 saw a significant number of notices being issued, which often results in officer resources being diverted from dealing with other matters for the time required to review, issue, process, serve and record them. A balanced view is taken as to planning merits and expediency of serving one notice against progressing a greater number of investigations.
- 4.22 It should be noted that notices are only served in a very small percentage of cases and usually where efforts to achieve compliance informally have not been successful.
- 4.23 However, at times resources must be channelled to those cases where clear and demonstrable harm is being or is likely to be caused. This can often be to the detriment of progressing other matters where a similar level of harm cannot be demonstrated. Of the investigations in progress, approximately 15 cases and may require formal action to resolve.

Appeals Against Enforcement Notices:

- 4.24 Those served with an Enforcement Notice may appeal against any of the requirements. Of the 4 notices served in 2025, all were appealed against the Planning Inspectorate on grounds, including that planning permission to be granted for the development as built, or specific parts of it.
- 4.25 The Planning Inspectorate Service is experiencing capacity issues, particularly when dealing with enforcement appeals. This is having a direct effect on the time it is taking them to reach a decision on an appeal. We are still waiting for decisions on appeals submitted nearly 3 years ago, although we have already received appeal decisions for two of the Notices served in 2025.
- 4.26 Planning will accept applications after notices have been served, as the primary objective is to bring harmful development in line with the regulations, and retrospective applications can sometimes yield swifter resolution than the appeal process. Decisions whether to appeal rest with interested parties, however planning enforcement reforms pursuant to the Levelling Up and Regeneration Act (LURA) 2023 has curtailed opportunities for developers to draw out the planning appeal processes as a means of delaying action required to resolve alleged breaches.
- 4.27 The following outlines the options for appeals against Enforcement Notices:

Retrospective Application	Appeal against refusal	Appeal EN for deemed permission
Yes	Yes	No (if within two years of planning refusal)
Yes	No	No (if EN served before appeal against refusal)
Yes, if submitted after EN served	No	Yes

- 4.28 We currently have a few cases where the appeals against the planning decision to refuse permission are dismissed and action by the developer is required to resolve the unauthorised development. In line with the table above, a recipient of an Enforcement Notice would not be eligible for PINS to consider the merits of the Notice to grant permission. In such cases, Officers first seek informal compliance through alterations or a modified scheme through pre-app and the planning application process. Where harm that

justifies formal action is alleged, applications that purport to resolve the harm can be considered. However, we would not allow continued cycles of application > appeal > to persist, as this would undermine the limitations that the appeal reforms have established, and would allow the harm arising from the development to continue.

4.29 Developers, therefore, cannot rely on retrospective applications and the appeal regime to secure planning permission, or to delay compliance with the planning regulations.

Prosecutions:

4.30 Prosecution action may be recommended in cases where notices have not been complied with, breaches where the legislation makes it an offence to carry out works (listed buildings, protected trees, advertising) and resolving these cases can require technical expertise and experience. Officers work in collaboration with Senior Conservation Officers, Tree Officer and BNG Officers to best protect our heritage assets, protected trees and biodiversity. The team are now able to tackle some of the older more complex cases which are of importance within the district.

4.31 Procedural delays are not uncommon during prosecution proceedings as it is not uncommon for a first hearing to be adjourned, and for trial dates to add further delays. This can result in there being many months between an initial court date and decision. We ask Members to note that there may be some stages within an investigation where information cannot be publicly shared because it may prejudice the Council's case.

5.0 S106 and MONITORING PLANNING CONDITIONS

5.1 The S106 Monitoring and Compliance Officer maintains a schedule of all the S106 financial contributions held, and processes are introduced to include the mechanisms for confirmation of approval of details/confirmation development in accordance with conditions applications.

5.2 Significant work has been undertaken to publish Quarterly Reporting of S106 contributions, receipts. In line with the Council's statutory duty, the Annual Infrastructure Funding Statement (IFS) is published on the website at this stage for related information and provides a fuller picture of financial contributions: [Planning obligations \(section 106 agreements\) | North Herts Council](#).

5.3 As part of the Council's S106 monitoring and reporting work, processes and cross-service links are now in place to support delivery and assist with enquiries. In bringing several different processes and workstreams together has enhanced service delivery. This work represents significant progress in this area, as collaborations with Planning Policy, Development Management, Strategic Sites, Legal Services and Finance now benefit from streamlined processes that facilitate efficient and accurate S106 monitoring, invoicing, receipts, allocations, spends, and reporting.

5.4 Future publications of the IFS information and images of examples to demonstrate how S106 funding can contribution to projects and initiatives across the district. The processes in place mean that we are now more efficient in monitoring and collecting contributions. Officers received 10 Freedom Of Information requests for details on how developer contributions

have been deployed, and for details of financial and non-financial contributions. No developer contributions were returned during the reporting period of 2024/2025.

5.5 Building on these foundations, Officers continue to explore opportunities for public-facing information and insight that can support Councillors, Parish councils, community groups and members of the public across the district to access, understand and benefit from developer contributions.

6.0 TRAINING

6.1 Officer training is a key aspect of delivering an effective planning enforcement service and is delivered in various ways. In 2025 the following training was delivered:

National Association Planning Enforcement (NAPE) Conference (online)
Observing a Public Inquiry appeal against an Enforcement Notice (Broxbourne Council)
Delegated Reports (In-house)
Drafting Enforcement Notices (In-house)
Planning Enforcement Appeals (In-house)
Police And Criminal Evidence (PHF Training)
Drafting and Enforcing Planning Conditions (Ivy legal)
Planning injunctions (Webinar)
Conservation workshop (In-house)
Conditions and commencements (Ivy Legal)
RTPI - Ethics (Webinar)
Material Planning Considerations (In-house)

6.2 While the planning regime is largely permissive, other legislation establishes that unauthorised works are a criminal offence from the outset. Within this category are investigations into unauthorised works and alterations, representing approximately 10% of the caseload.

6.3 To support Officers in progressing these cases training on interviewing under caution, developing witness statements, producing prosecution bundles, giving evidence in court, is planned to commence in January 2026. The aim is to provide essential information and experience to enable cases to be fully investigated and resolved.

Relevant live cases include:

- removal of protected trees
- alterations to listed buildings
- advertising
- non-compliance with Notices
- removal of hedgerows

7 LINKS WITH OTHER SERVICES

7.1 Links with Licensing, Environmental Health and Legal Services enable a collaborative approach to discuss and agree strategies to resolve cases. For example, Licencing will refer on cases where applications request licences for a longer opening hours than planning permission allows. New cases are then set up, and planning applications are usually

submitted to regularise matters. To date, approximately 8 applications have been progressed in this way.

8 WORKING TOGETHER WITH MEMBERS, RESIDENTS AND THE COMMUNITY

- 8.1 Planning and planning enforcement underpins many of the ambitions and key actions in the Corporate Plan, including encouraging well designed places; use of planning powers to create sustainable places; use of planning powers to protect and enhance the interests of local communities; protect existing employment area; reduce the impact of traffic on air quality; protect existing green spaces; provision of new open spaces in developments; protect wildlife habitats and trees; protects urban open space from development and maintain a Green Belt free from inappropriate development; ensure new developments enhance biodiversity and plant appropriate trees and landscaping.
- 8.2 Planning enforcement are keen to continue working positively and proactively with the public, and we recognise their role in reporting unauthorised and harmful development. We would encourage reporters to submit requests for new investigations via the Council website and to include photos as well as telling us how they are impacted.
- 8.3 Our communities can be instrumental in gathering information that enable us to investigate breaches, so that we can appraise it against the relevant planning permissions, guidance etc. and take steps, where appropriate, to remedy breaches that result in planning harm. We would like to acknowledge the importance of working together, and thank everyone who has contributed to the successful work of the Planning Enforcement Team.

9 LOOKING FORWARD TO 2026

Proactive / additional monitoring:

- Retrospective refusals
- Conditional PP
- Large sites – pre-commencement conditions
- Temporary permissions

10 CONTACT OFFICER

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Agenda Item 10

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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