

22 May 2026

Our Ref Planning Control Committee 4 June 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, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson, Claire Winchester and Dave Winstanley

Substitutes: Councillors Daniel Allen, Sadie Billing, Jon Clayden, Sam Collins, Mick Debenham, Joe Graziano, Bryony May, Michael Muir, Steve Jarvis, Claire Strong and Tamsin Thomas

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON  
ROAD, LETCHWORTH, SG6 3JF**

On

**THURSDAY, 4TH JUNE, 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**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2. MINUTES - 16 APRIL &amp; 21 APRIL 2026</b>	To take as read and approve as a true record the minutes of the meetings of the Committee held on the 16 April and 21 April 2026.	(Pages 5 - 32)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chair will decide whether any item(s) raised will be considered.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	

6. **25/01766/OP LAND ON THE SOUTH SIDE OF, COWARDS LANE, CODICOTE, HERTFORDSHIRE** (Pages 33 - 84)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access).
7. **25/00886/FP REED HOUSE, JACKSONS LANE, REED, ROYSTON, HERTFORDSHIRE, SG8 8AB** (Pages 85 - 106)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 14 dwellings and associated infrastructure (Amended plans received 22/12/25 and 13/05/26).
8. **25/02260/FP NORTHWAY FILLING STATION, GREAT NORTH ROAD, HINXWORTH, BALDOCK, HERTFORDSHIRE, SG7 5EX** (Pages 107 - 120)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Temporary consent allowing for the erection of a detached food-to-go building (Greggs Pod) and other associated minor site alterations including the formation of vehicle parking for a period of two years (development already commenced).
9. **26/00403/S73 151C BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB** (Pages 121 - 132)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Variation of Condition 3 (to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24/05/1995.
10. **APPEALS** (Pages 133 - 146)  
 To update Members on appeals lodged and any decisions made.

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# Public Document Pack Agenda Item 2

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF  
ON THURSDAY, 16TH APRIL, 2026 AT 7.00 PM

#### MINUTES

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

**In Attendance:** *Faith Churchill (PA - Director Governance), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Sarah Kasparian (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Principal Planning Officer (Development Management)) and Nazneen Roy (Locum Planning Lawyer).*

**Also Present:** *At the commencement of the meeting approximately 23 members of the public, including registered speakers.*

*Councillors Amy Allen and Sean Nolan were in attendance as Member Advocates.*

#### 154 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 10 seconds*

There were no apologies for absence received.

#### 155 MINUTES - 24 FEBRUARY, 12 MARCH, 19 MARCH 2026

*Audio Recording – 1 minute 17 seconds*

Councillor Nigel Mason, as Chair, proposed and Councillor Clare Billing seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meetings of the Committee held on 24 February, 12 March and 19 March 2026 be approved as a true record of the proceedings and be signed by the Chair.

#### 156 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 27 seconds*

There was no other business notified.

#### 157 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes 31 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 Members that a training session to be delivered by the Planning Officers Society had been arranged for Tuesday 19 May 2026.

**158 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 14 seconds*

The Chair confirmed that the registered speakers were in attendance.

**159 24/00326/FP LAND ON, CAMPFIELD WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE**

*Audio recording – 6 minutes 01 seconds*

The Senior Planning Officer advised that written updates on matters relating to application 24/00326/FP had been published as a supplementary document and highlighted that:

- The applicant had agreed to the pre-commencement conditions, therefore point C in the resolution was no longer required.
- There was an error at paragraph 4.8 of the report regarding the housing mix, which should be 45 1-bed flats, 43 2-bed flats and no 3-bed flats. The correct mix was outlined at 5.2.9 of the report.

The Senior Planning Officer then presented the report in respect of Application 24/00326/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Ruth Brown
- Councillor Clare Billing
- Councillor Tom Tyson

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

- The area had been a later addition to the Conservation Area but was its own character area due to the unique social purpose and adherence to Garden City principles of the site.
- Whilst the site did provide heritage value, the units could not be retained as they were in poor condition, and individually they did not have value.
- The Applicant did explore retention, but no units were suitable.
- The Applicant could provide further information on whether museum storage for one of the units was considered.

- There was a bus service on Icknield Way.
- The Highways Authority offered advice on the number of parking spaces provided on site.
- The parking provision was lower than required standards on site, but as there were a significant number of 1-bed flats, the proportion of spaces provided could be lower.
- There was a provision of visitor parking spaces throughout the site.
- It was felt that overall the parking provision was suitable for a location within an urban area, and a good provision of cycle storage had been included to help balance the shortage of parking spaces.
- Around 50% of the bungalows were still occupied, but the Applicant could provide further details on this.
- The recommendation on sound proofing had been requested by Network Rail and had been agreed with the Applicant.
- There were no plans to install Solar PV, likely due to the Conservation Area character, but heat pumps were proposed which were efficient and would be suitable for the units on this site.

In response to questions, the Development and Conservation Manager advised that new government regulations had been announced on 24 March 2026, to come into force on 24 March 2027, requiring homes to be delivered with lower carbon solutions, including solar panel installation.

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

- He represented the Hawksley Bungalow Steering Group and provided comments on behalf of residents Mr Steven Fish and Ms Julie Baldock.
- Mr Fish had been a lifelong resident on the site and had happy memories of the estate and bungalow. However, he understood the need to move on, as the bungalows no longer met modern living standards.
- This proposal offered the opportunity to provide new, warm and decent homes, in a good environment, which were sympathetic to the Letchworth Garden City philosophy.
- Ms Baldock was a tenant in one of the bungalows and had experienced that these properties were no longer fit for purpose and the new proposal for housing was a must.
- Whilst she understood the historic relevant of the site, modern housing was required to bring new people into the town.
- The existing properties were cold, mouldy and expensive.
- Several tenants had already moved out of the site temporarily, but were looking forward to moving back into the new accommodation.

There were no points of clarification from Members.

The Chair then invited the Member Advocate Supporters, Councillors Amy Allen and Sean Nolan to speak in support of the application. They thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- The scheme to redevelop this site had potential to be transformational for residents and this modernisation was vital for the ward.
- They wanted to ensure that those living in the area would not be impacted by the works.
- As part of the Construction Management Plan, no parking should be allowed on Icknield Way or the surrounding roads.
- As parking was already an issue for the area, further details and information was needed on the parking provision throughout the development.
- There were some concerns that settle/Paradigm did not yet have ownership of the land, and this needed to be confirmed.

- They supported the application, which brought new social housing to the area, was welcomed by residents and had engaged the community well throughout the process.
- It would be beneficial to keep the footbridge open and maintained throughout the construction period, as this was a vital route to the allotments and school sites, with only a long detour to avoid using the bridge.

There were no points of clarification from Members.

The Chair then invited the Applicant, and their Agent and Representative, Helen Pearson, Maddie Wild and Phil Rogers, to speak in support of the application. Ms Pearson thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- This development had been approached not just to build homes, but to provide places for people to live.
- The demand for social and affordable housing was increasing.
- The proposal was for a good standard of housing, which would provide roots for families to build their new lives.
- These existing homes were now at the end of their lifespan, and it was important to look ahead for the next 60 years. This would provide a long term solution, rather than renovating failing homes.
- The proposal would demolish the existing 60 bungalows and these would be replaced with 157 homes delivered on the site.
- There had been engagement throughout the process with residents, who had broadly accepted the need to develop the site in this way.
- All homes would meet or exceed the required standards and a mixture of private gardens, public open spaces and play areas would be provided, which had been developed alongside residents.
- There would be some Biodiversity Net Gain provided on site, with the remaining requirement being delivered off site.
- The decision to demolish the existing bungalows had not been taken lightly, but the costs of renovating existing properties would not be viable or long term. It was important that investments were made to ensure future provision.
- A like-for-like replacement was considered, but it was felt more units could be appropriately delivered on the site.
- As the estate was half empty, there had been an increase in anti-social behaviour and crime.
- This scheme would provide modern, safe and sustainable homes for the residents of tomorrow.

The following Members asked points of clarification:

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

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

- Roughly 50% of the site was currently empty. They had worked with the Steering Group to offer a right to return, a right to a home which would meet needs and an option to split families into separate units, where an adult child was living at home.
- They were working with freeholders and leaseholders to buy back control at appropriate stages.
- They had worked closely with the schools and had identified that the footbridge was a key route for students travelling between sites during the school day.

- Whilst there was a need to close access to the footbridge due to the highways works required as part of phase 1, this would be minimised where possible and would be reopened once phase 1 was completed.
- There were similar problems with the maisonettes, but these were currently owned by Settle/Paradigm on a leasehold basis and they were working with the Letchworth Garden City Heritage Foundation to explore options.
- Residents in shared ownership properties would be responsible for their own homes and garden maintenance, but Settle/Paradigm would maintain the rest of the site.
- They had worked closely with residents, but understood this was an impact on people. The build would take place in two phases, and residents would be moved into properties completed during phase 1 before phase 2 began.
- Lots of work had already taken place to move people off site once and into a new home. However, there were 5 or 6 families where work was ongoing one on one to identify a suitable solution.

In response to points of clarification, Ms Wild advised that all construction workers would be encouraged to use sustainable travel, but parking would be provided on site only and workers would not park on Icknield Way.

In response to points of clarification, Mr Rogers advised that the bridge fell outside of the site boundary and was under different ownership. However, it had been agreed that the footbridge would be kept open for school students, with a secure passageway provided during phase 1 of construction.

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

- There were 26 fewer parking spaces provided than required. However, there were 27 visitor spaces provided which would help meet some of the shortfall, and a car club space would be provided.
- Overall, the planning balance was in favour of granting permission for this application, as the benefits outweighed the harm.
- The concerns around the footbridge closure had been discussed early in the process. However, there needed to be a balance against delivery and the closure was required for works to be carried out. The footbridge would only be closed during phase 1 of construction, with an agreement in place with the school for student access during the day, which was the best solution possible.

Councillor Nigel Mason proposed to grant permission subject to the conditions and informatives as set out in the report. This was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Dave Winstanley

The following points were raised as part of the debate:

- The scheme appeared well thought through and the Applicant had engaged with local partners.
- Whilst some residents were understandably concerned about moving home, overall, this scheme delivered a net gain of 69 dwellings, 100% of which would be affordable, which was desperately needed across the district.
- It would be difficult for some residents who had lived on this site all their life, but it was a suitable proposal to upgrade the site.

- It would be good to retain an example of the bungalows for its historic architecture, but they were no longer suitable for purpose as dwellings.

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

**RESOLVED:** That application 24/00326/FP be **GRANTED** planning permission subject to:

- (1) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required.
- (2) The delegation of powers to the Development and Conservation Manager to finalise a NHS contribution, and to update conditions and informatives with minor amendments as required.
- (3) Conditions as set out in the report.

*N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20.02.*

**160 25/02547/FP LAND TO THE SOUTH AND EAST OF SENUNA PARK, STATION ROAD, ASHWELL**

*Audio recording – 56 minutes 29 seconds*

*N.B. Councillor Tom Tyson declared an interest as Member Advocate Objector and moved to the public speaking gallery.*

*N.B. Councillor Bryony May declared an interest due to involvement with the Conservators of Therfield Heath and Greens, who were making a S106 request on this application, and left the Chamber for the duration of this item.*

The Principal Planning Officer advised that written updates on matters relating to application 25/02547/FP had been published as a supplementary document and advised that:

- A revised recommendation had been included in the supplementary document.
- Due to an error on the planning mapping system, the Conservators of Therfield Heath and Greens had not been consulted but should have been due to the site being within the 5.8KM zone of influence of the Site of Special Scientific Interest (SSSI).
- They had now been consulted and were requesting a contribution, in line with SP7 of the Local Plan.
- There were no concerns with the Officers regarding this and the principle had been agreed with the Applicant, but not the final payment amount.

The Principal Planning Officer then presented the report in respect of Application 25/02547/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Nigel Mason

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

- It was effectively an extension of the existing Senuna Park development, with both developments having a SUDs provision creating a green centre of the site.

- It was understood the Applicant for both this, and the approved permission for Senuna Park, were the same.
- The housing mix proposed not meeting the policies of the Ashwell Neighbourhood Plan was a material planning consideration on this application.
- As the Council did not have a 5-year housing land supply, as outlined in the NPPF, significant weight had to be given to the delivery of new homes.
- 24 live trees and 2 dead trees would be removed for access. This was discussed with the Applicant, but no other access for phase 1 was possible.
- There would be 143 trees planted across the site once complete, therefore it was considered a suitable mitigation in terms of the planning balance.
- Existing trees not to be removed would create a canopy effect over the road through the site.
- The S106 Heads of Terms had been largely agreed, with just two matters outstanding relating to the amounts in contribution for the sports pavilion and contribution to mitigate the Therfield Heath SSSI requirements.
- In most instances, Heads of Terms would be agreed before Committee, but if agreed at this meeting, the matter would be delegated to the Development and Conservation Manager who could agree this. If an agreement could not be achieved, it would be brought back to Committee to reconsider the proposal.

The Chair invited the Public Objector, Parish Councillor Graham 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:

- The Parish Council objected to the application for a number of reasons.
- The current proposal would add 36 houses, bringing the total on site to 64, which would be 39% larger than the 2017 application, which was rejected due to the harm outweighing the benefits.
- The delivery of these houses would be contrary to Local Plan and Ashwell Neighbourhood Plan policies and this should be given more weight.
- There was no demonstrable need for the housing mix provided, with 50% being 4- and 5-bed properties, directly in conflict with the Ashwell Neighbourhood Plan policy.
- There was a low demand for larger houses, with 25% of the houses built on the adjacent part of Senuna Park still empty a year after completion.
- The development, if approved, would be nearly double the size of any other development site in Ashwell.
- There was conflict with policy relating to the density of developments on village edges.
- The site was 1 mile from the primary school and essential services in the village, with no sustainable travel options.
- The recommendation relied too much on the lack of 5 year housing land supply, rather than the impact on the existing village.

There were no points of clarification from Members.

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

- He spoke on behalf of the Conservators of Therfield Heath and Greens and they retained concerns of the approach of the Council to the SSSI at Therfield Heath and ensuring adequate mitigations were in place.
- There were concerns that policies in the NPPF, the adopted Local Plan, the Developer Contributions SPD and the Therfield Heath SSSI Mitigation Strategy were not being considered.
- The Mitigation Strategy had not been followed as the Conservators had not been consulted until 2 days before the Committee.

- Where the SSSI has not been considered, the NPPF outlined that the tilted balance should be disengaged.
- The developer has indicated that they are willing to make a contribution, but until this is formally agreed through Heads of Terms, the application should be refused.
- The Planning Officer, once aware of the error, had worked hard to resolve the issue over the past 48 hours, but the application should be deferred until full consultation could take place with Natural England and the Conservators.
- The Council had a duty to adhere to the Wildlife and Countryside Act 1981, which outlines that development should further SSSIs, not ignore them.

There were no points of clarification from Members.

The Chair then invited the Member Advocate Objector, Councillor Tom Tyson, to speak against the application. Councillor Tyson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He supported the points raised by the Parish Council in objection to this application.
- The original application had been refused unanimously by the Committee, as it was deemed to be sub-urbanising the area and was not a logical extension to the village.
- The site was outside of the settlement boundary and was huge when considered as a whole.
- The previous application was considered as bolted onto the existing village and was deemed not suitable for development by the Inspector because of this. However, this application was now additional to the already approved bolt on.
- The new bus service along Station Road did not cover key commuter times and therefore cars would be required to travel to the station, which already had existing parking issues.
- There was no footway or safe cycle route from Ashwell village to the station, and the other way led onto an existing dangerous part of the A505.
- It was a 25 minute walk from the outer extent of Senuna Park to the Ashwell Primary School, which was unreasonable to expect a parent to walk this to take a child to school.
- It was too far away from the amenities provided in the village.
- The design of the housing was not in keeping with the village. This provided a sub-urban look, which did not match existing houses on the outer village boundary, or other neighbouring villages, which usually were constructed with Arseley brick.
- It clearly failed to deliver on SP1 and SP2 of the NPPF.

There were no points of clarification from Members.

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

- The application for the adjacent development on this site had been allowed on appeal in April 2022. This scheme was now complete and providing housing in the village and helping to meet the delivery needs of the district.
- As part of the adjacent development, onsite greenspaces, a pond and planting had been provided to soften the impact of the development. This application would seek to do the same.
- The same team has worked on this proposal, with the same Applicant.
- There had been a detailed visual appraisal completed as part of the process, which sought to mitigate loss of the key visual aspects.
- There was no objection received in terms of the proposed landscaping and all consultees were satisfied with the proposals.

- There had been changes made following discussions with the Planning Officer, but these had not compromised on the design approach. An example of this was that the visuals of the frontage of the dwellings had been amended to be sympathetic to the existing dwellings.
- This proposal would provide a 50% Biodiversity Net Gain with significant levels of tree planting, other planting, open space and play areas provided.
- There would be 40% affordable housing delivered on site, with discussions ongoing with a social housing provider.
- The design proposed was considered acceptable by the Inspector on the previous application for this site.
- The development, if approved, could be delivered within 5 years and would immediately impact on the housing land supply of the district.
- In 2022, when the appeal was upheld, the Council had a housing land supply of 3.5 years, this was now at 2.6 years, which represented a 3,300 home shortfall.
- The government was supportive of housing delivery, especially by small and medium sized developers, who needed sites like this to be able to deliver housing.
- The proposal was compliant with national and local policies, with change made throughout discussions with Officers.
- Should the application be refused, it was likely the Applicant would submit an appeal.

The following Members asked points of clarification:

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

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

- No consultation had taken place with this application, as there was a need to delivery housing and the Applicant had previously been working on phase 1 of the site for 9 years, during which time significant public consultation took place and helped to identify issues previously raised.
- They were not aware of any drainage issues on site.
- There were some units on the phase 1 site for sale still, but the scheme had been completed and was fully built, with just a few remaining works required.
- They were not aware of the specific size of the units remaining for sale.
- The issue relating to the SSSI had been raised two days before the Committee and the Applicant had immediately accepted the principle but wanted to consider the contributions requested and ensure these were consistent with policy and met regulations.
- He could now confirm that the amount had been reviewed and the Applicant would accept the request from the Conservators of Therfield Heath and Greens and the Heads of Terms on this could now be updated.
- An updated request had been received for payment towards the sports pavilion, but the Applicant wanted to explore this calculation further, as there was no specific reference to how this should be calculated. A meeting had been requested with Officers to discuss this point further.
- The figure provided was pro-rata on another development in Ashwell for 14 units and this helped shape the offered amount of £135k. This has been submitted to the Planning Officer and they were awaiting a response from the Parish Council.

*N.B. Following the conclusion of the public speaking, Councillor Tyson left the Chamber for the remainder of this item.*

Following the public presentations, the following Members asked questions of the Principal Planning Officer:

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

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

- The issue relating to the SSSI came to light today and the Applicant had now agreed this and the issue was resolved. Therefore, this should not be used as a reason for deferral of the application.
- There remained an outstanding technical objection from the Lead Local Flood Authority (LLFA), which sought further information which had now been provided by the Applicant. Due to ongoing resourcing issues at the LLFA, no further response has been received, despite chasing from Officers. The recommendation is therefore subject to the agreement of the LLFA, which was not unusual.
- It was hoped the remaining matter relating to the sports pavilion would have been resolved, but it had not. There was no in principle objection to it, the Applicant has requested details on the calculations of the amount proposed but had agreed to make a payment. If this was not ultimately agreed, it could be brought back to Committee.
- The report addressed points raised by the Parish Council.
- Some of the sustainable highway contribution would be to relocate the speed sign on Station Road and to partly upgrade the footpath along the front of the site into the village.
- There was already a footpath past the site connecting to the village, but there was not a footpath linking Ashwell to the station at Odsey and there was no indication the S106 funding would be used to enhance this.
- They were not aware that a response letter from the LLFA removing their objection had been received and uploaded to the planning documents portal.

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

- The units still for sale on the adjacent development was not a material consideration of this application.
- There may be specific market circumstances currently which were affecting willingness to purchase new houses.
- Reasons should be provided to defer consideration of the application, as the Applicant would have a right to appeal against non-determination.

In response to questions, the Locum Planning Lawyer advised that circumstances on the adjacent site were not material to this application. If the application was refused, this would need to be a defensible decision, supported by material planning considerations.

Councillor Louise Peace proposed to refuse the application as it was in conflict with policies in the North Herts adopted Local Plan, as well as the Ashwell Neighbourhood Plan, and was outside of the settlement boundary. This was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

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

The following points were raised as part of the debate:

- The original proposal, which was refused by Committee, was for 46 units. 28 were now built on the adjacent plot and this had been allowed at appeal. This application was for 36 units, which would mean there would now be 64 units delivered on a site the Committee, and the Inspector, said was not suitable for 46 units.
- This represented significant urbanisation of a village outside of the settlement boundary.
- The Parish Council had developed a Neighbourhood Plan, which this application clearly conflicted with policies included in this adopted Plan.
- The scale, layout and type of units proposed was urbanising in the village and instead should be a lower density proposal, merging with the surrounding countryside.
- There was no sustainable transport solution to the site. Whilst cycling was possible to the station, it was dangerous, and it was not suitably accessible by foot.
- It would be difficult to defend a refusal at appeal, with the Inspector having allowed development on the other half of the site.
- The Planning Inspector had refused the number of units requested in original application, and therefore considered that this site was not suitable for a larger number of dwellings.
- More than moderate weighting should be applied to the points outlined at 4.4.1 of the Officer report.
- It was a balance as to whether the grounds provided for refusal would be defensible.

In response to points raised in the debate, the Principal Planning Officer advised that:

- The NPPF outlined that consideration had to be given to the delivery of housing, where a 5 year housing land supply could not be demonstrated.
- Any adverse impacts identified would need to have significant and demonstrable negative impact to justify refusal.
- The affordable housing provision was short by 1 bedroom in total. The request had been for a 4-bed house, but a 3-bed house was offered, which was considered to be a minor issue in the planning balance.
- There was a good mix of housing units delivered onsite, and whilst this provided more 4 and 5-bed units than required through the Ashwell Neighbourhood Plan, it was a net of 5 bedrooms more than policy. The impact of this was therefore not considered to outweigh the delivery of housing.
- The S106 Heads of Terms had now been mostly resolved and agreed.
- There was no objection to the design when considered against the existing section of Senuna Park.

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

- Conflict with policies of the Local Plan and Neighbourhood Plan had been identified and included within the report.
- It was outlined in the NPPF that where a 5 year housing land supply did not exist, limited weight should be applied to these policies, as they were in effect considered out of date.

Following the debate, the Locum Planning Lawyer advised Members that there needed to be clear reasons for refusal provided.

Following the debate, the Chair summarised that the reasons for refusal were that the application was in conflict with the Local Plan policies and policies within the Ashwell Neighbourhood Plan, that it would have an urbanising effect on the village edge, it was in an unsustainable location and the S106 Heads of Terms remained incomplete.

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

**RESOLVED:**

(1) That application 25/02547/FP be **REFUSED** planning permission for the following reasons:

- a. The proposal would have an urbanising effect on the village edge and the density of the site was not appropriate in a village location, which would result in harm to the rural character and appearance of the area.
- b. The application was in conflict with policies SP2, SP5 and CGB1 of the adopted Local Plan and ASH1 of the Ashwell Neighbourhood Plan.
- c. The site was in an unsustainable location.
- d. The Heads of Terms for the S106 agreement were incomplete.

(2) That delegation be provided to the Development and Conservation Manager to finalise the wording for the reason for refusal.

*N.B. Following the conclusion of this item, there was a break in proceedings. The meeting reconvened at 21.33 and Councillors Tyson and May returned to the Chamber.*

**161 25/03149/RM LAND BETWEEN ROYSTON ROAD AND, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE**

*Audio recording – 2 hours 27 minute 23 seconds*

The Senior Planning Officer advised that written updates on matters relating to application 25/03149/RM had been published as a supplementary document and highlighted that:

- A summary of consultee comments had been included in the written updates.
- A new condition was proposed to cover the installation of Solar PV panels, and an amendment was proposed to Condition 6.
- There were no remaining pre-commencement conditions to be agreed with the Applicant.

The Senior Planning Officer then presented the report in respect of Application 25/03149/RM accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- The site had existing permission for 140 dwellings, which would consist of three character areas, including a village scene and woodland provision.
- The wooded areas were of lower density and located to the north of the site, with the higher density being further south on the site.
- The north-western SUDs would be more permanently filled with water, with the SUDs in the centre of the site being empty. This had been considered and the unfilled SUDs basins would be suitably landscaped.
- The flood assessment submitted previous was not accurate and therefore changes were required to accommodate associated works to adapt to the new assessment.

- Throughout the process workshops had taken place with the Applicant and Officers to deliver a scheme that was deemed acceptable, whilst adhering to the adopted Masterplan for the site.
- This scheme was now more developed and detailed than the Masterplan.
- This Reserve Matter application would not affect Condition 9 on the Outline Permission application.
- There was no shop currently, as it has been offered to the market, but no offers had been received.
- There were no conditions to require delivery of a shop on site and it was not considered a reason for refusal of the Reserve Matters application.
- The shop could still come forward at a later stage.

In response to questions, the Development and Conservation Manager advised that the mix of housing provision compared to the existing village had been assessed at the Outline Permission stage, where permission was granted. However, Barkway did have a mixed density of housing, with some terraced housing with small garden plots through to large houses with large gardens.

In response to questions, the Local Planning Lawyer advised that the Reserve Matters application was not to consider the density on site.

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

- Condition 9 on the Outline Permission had been included to ensure capacity in the sewage network and waste water plant. However, there were concerns regarding this with evidence of spillage and fowl water run off into nearby chalk streams.
- There was no publicly available information from Thames Water on the phased approach proposed.
- There needed to be consideration and clarity as to how Thames Water was planning to deal with this issue.
- There was no meaningful attempt in the design quality of the development to meet surrounding areas.
- The planting along the northern boundary was not sufficient to provide a barrier to the adjacent stud farm.
- Planting was required along the southern boundary of the development along the existing school field.
- The Parish Council objected to the removal of the shop on site, as this had been included to support the sustainability of the development.
- Mitigation on site was required to manage the existing water stress issues in Barkway.
- The proposed housing would not meet new home standards, with no Solar PV panels proposed.
- In summary, there were concerns over the infrastructure, sustainability and environmental impact of the development and consideration needed to be given to whether the homes met required standards.

There were no points of clarification from Members.

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

- He spoke on behalf of the Conservators of Therfield Heath and Greens and they retained concerns of the approach of the Council to the Site of Special Scientific Interest (SSSI) at Therfield Heath and ensuring adequate mitigations were in place.

- There were concerns that policies in the National Planning Policy Framework (NPPF), the adopted Local Plan, the Developer Contributions SPD and the Therfield Heath SSSI Mitigation Strategy were not being considered.
- The Mitigation Strategy had not been followed and Natural England had not been consulted on this application.
- The report missed a key issue that this development would have an impact on the Therfield Heath SSSI.
- The NPPF outlined that harm to an SSSI must be mitigated or compensated for at some point of the process, and this had been tested at appeal.
- They were not requesting refusal of the application, as the developers had made efforts to deliver a suitable scheme, but the points raised needed to be considered.

There were no points of clarification from Members.

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

- Over 18 months, they had worked with Officers and consultees to refine proposals and have incorporated suggestions into the final plans.
- Whilst they did not agree with the Parish Council position, the two parties had worked together with the process and, where possible, suggestions have been incorporated.
- Redrow had a record of delivering characterful, high quality homes and it was believed this could be achieved on this site, in collaboration with the existing surrounding area.
- There was a variety of unit types, materials and planting proposed, all of which were respectful to the area.
- It was identified that the northern boundary planting was important and a 15metre buffer had been provided, with shrub and tree planning, to provide separation between the development and the neighbouring stud.
- This would be a key contribution to housing supply in the district, which was important with increasing house prices in the area and the lack of 5 year housing land supply.
- This was an allocated site with the adopted Local Plan.
- There would be 56 houses provided on site as affordable, which met the 40% requirement, and would help to provide a home to those currently in temporary accommodation within the district.
- They noted the comments received from the Conservators of Therfield Heath and Greens and could provide further clarification on this, if required.
- There were no remaining technical objections from any statutory consultees.

In response to a point of clarification from Councillor Val Bryant, Ms Simmonds advised that:

- There were no planning conditions or obligations to provide a shop on site.
- The shop had been offered to the market in line with permission granted, but three responses had been received to say it was not currently viable. It was expected that the shop would become more viable as the development was built out and lived in.
- The S106 agreement secured a requirement on the developer to continue to market the shop for as long as required.

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

- The points raised regarding the Therfield Heath SSSI and Natural England were not a consideration on this application, as this was for reserved matters.
- Many of the issues raised concerned matters already approved through the Outline Planning application.

Councillor Nigel Mason proposed to grant permission subject to the conditions and informatives as set out in the report, including the amendment to Condition 6 and additional Condition 9. This was seconded by Councillor Ian Mantle.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Ian Mantle
- Councillor Tom Tyson

In response to a question from Councillor Martin Prescott, the Senior Planning Officer advised that the outline application pre-dated the Mitigation Strategy from the Conservators of Therfield Heath and Greens.

The following points were raised as part of the debate:

- It was good to have confirmation that Condition 9 from the Outline Permission application would not be impacted.
- It was positive to see that the Applicant had engaged actively with the Parish Council.
- It would be better to see houses more suitably designed to meet existing surrounding properties and which reflected the existing character of the village, rather than a sub-urban design.
- The Committee needed to determine this application, it was not the suitable time to look to redesign the scheme.
- It was disappointing that the Council did not take the opportunity to develop good quality house design on this plot, as this would be a legacy of the Council. The proposal did not provide housing of quality appearance and was not suitable for Barkway.

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

**RESOLVED:** That application 25/03149/RM be **GRANTED** subject to:

- (1) The delegation of powers to the Development and Conservation Manager to (i) resolve any outstanding matters and (ii) update conditions and information with minor amendments as required.
- (2) The conditions as set out in the report, with the following amendment to Condition 6 and additional Condition 9:

'Condition 6

*Prior to any above slab level development approved by this application, an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat boxes in buildings/structures and hedgehog highways must be submitted to and approved in writing by the local planning authority. Swift bricks should be used where building heights allow.*

*Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policy NE4 of the North Hertfordshire Local Plan (2011-2031) and the National Planning Policy Framework.*

Condition 9

*Prior to their installation, details of any solar photovoltaic (PV) panels to be installed as part of the development hereby approved, including their siting, design and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The PV panels shall thereafter be installed in accordance with the approved details.*

*Reason: To ensure that any solar photovoltaic panels are appropriately designed and integrated into the development, in the interests of high-quality design, in accordance with Policy D1 of the North Hertfordshire Local Plan and Section 12 of the National Planning Policy Framework'*

**162 APPEALS**

*Audio recording – 3 hours 13 minutes 41 seconds*

The Development and Conservation Manager provided an update on Planning Appeals and advised that:

- One appeal decision had been received and the appeal had been allowed, relating to St Albans Road, Codicote. The Inspector had found the development was inappropriate, as it would cause harm to the greenbelt, however, it was allowed due to the specific circumstances on this site and potential conflict with the Equality Act 2010.
- One appeal had been lodged for a two-storey side extension in Baldock.

Councillor Martin Prescott noted that it was disappointing that the appeal in Codicote was allowed, as it implied that rules did not seem to apply to all people equally.

The meeting closed at 10.22 pm

Chair

# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF  
ON TUESDAY, 21ST APRIL, 2026 AT 7.00 PM

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Daniel Allen (In place of Dave Winstanley) and Mick Debenham (In place of Val Bryant).*

**In Attendance:** *Paul Chaston (Senior Planning Officer), Sam Dicocco (Principal Planning Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Jamie Graham (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), Sarah Kasparian (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Christella Menson (Conservation and Planning Enforcement Team Leader) and Nazneen Roy (Locum Planning Lawyer).*

**Also Present:** *At the commencement of the meeting approximately 17 members of the public, including registered speakers.*

#### 163 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 12 seconds*

Apologies for absence were received from Councillors Val Bryant, Tom Tyson and Dave Winstanley.

Having given due notice, Councillor Mick Debenham substituted for Councillor Bryant and Councillor Daniel Allen substituted for Councillor Winstanley.

#### 164 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 1 minute 37 seconds*

There was no other business notified.

#### 165 CHAIR'S ANNOUNCEMENTS

*Audio recording – 1 minute 40 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.

**166 PUBLIC PARTICIPATION**

*Audio recording – 3 minutes 55 seconds*

The Chair confirmed that the registered speakers were in attendance.

**167 25/02401/OP LAND SOUTH OF TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE**

*Audio recording – 4 minutes 29 seconds*

*N.B. Councillor Louise Peace declared an interest as Member Advocate Objector and moved to the public speaking gallery.*

The Senior Planning Officer provided a verbal update on matters relating to Application 25/02401/OP and advised that:

- S106 requests had been received from Ickleford Parish Council, which had been published with the supplementary documents.
- The recommendations should be amended to include the provision of delegated powers to the Development and Conservation Manager to review the S106 requests and agree payment for any Community Infrastructure Levy (CIL) compliant requests.
- The Applicant had circulated a briefing note directly to Members, and this was available to view on the Council website.
- A new neighbour representation had been received, which provided neutral comments and did not raise any new issues that had not been addressed in the report.

The Senior Planning Officer then presented the report in respect of Application 25/02401/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Ruth Brown
- Councillor Mick Debenham
- Councillor Martin Prescott
- Councillor Caroline McDonnell
- Councillor Nigel Mason

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

- Horses grazed on the land, but the space was not used for agriculture.
- There was approximately 70 metres between the most southern point of the site and the Hitchin settlement boundary.
- The report concluded that the site was classified under the Green Belt despite the Applicant making a submission that the land was Grey Belt.
- Keeping the southern half of the site free of built form carried significant weight in favour of the application under the Green Belt Assessment.
- On-site open space would be gained through this application as most of the site was currently inaccessible to the public.
- It was roughly 150 metres from the first dwelling on Old Hale Way to the last dwelling on Arlesey Road, although the nearest dwelling to Hitchin was likely to be in Ickleford Bury.

- An active travel pathway would run through the development and link the east and west sides of the site.

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

- The Illustrative Masterplan would be a material planning consideration in any future reserved matters application, and a Master Compliance Statement would be required by recommended condition, but granting outline planning permission would not tie reserved matters to the Illustrative Masterplan.
- The extent of built form was set out in the submitted Parameter Plan, which would be an approve plan.
- This scale of development should be deliverable within 5 years, but it would depend on several factors including the approval of reserved matters.
- As it had been designated as Green Belt land in the Local Plan, the site would remain Green Belt until any Green Belt Review and new Local Plan determined otherwise.

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

- There would be 200 metres between the onsite developable area and the Hitchin settlement boundary, which was defined by the playing fields of The Priory School.
- The division between the north and south parts of the site indicated the stance of the Council on where the Green Belt and Grey Belt were separated.

The Chair invited the Public Objector, Ickleford Parish Councillor Kathy Goldie to speak against the application. They thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Ickleford was already suffering from overdevelopment, saturation of traffic, pollution and sewage overflow.
- The application would significantly harm the Green Belt, in addition to the open character and appearance of Ickleford, which would contradict the National Planning Policy Framework (NPPF).
- This development and others nearby would add to runoff water that was polluting the River Oughton.
- Serious flooding occurred onsite during storms as evidenced by photographs.
- The development would be unsustainable as it failed to offer a choice of transport modes, and more than 200 vehicles resulting from the development would bring danger to neighbours, road users and pedestrians on Turnpike Lane.
- Infrastructure in Ickleford and Hitchin, such as water networks, schools, hospitals, and dental and GP surgeries were insufficient and would not cope with the influx of new residents.
- Public transport was also inadequate to cater for commuting and school children.
- This development and others proposed would constitute roughly 600 homes, which would destroy the village and its boundary with Hitchin to the south.
- Ickleford had already contributed adequately to the five-year housing land supply and housing need would be better met through proper, planned developments.
- The Green Belt land should be protected from development to preserve and enhance the nature within the area and decrease pollution.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor Martin Prescott
- Councillor Nigel Mason

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

- Sewage overflow resulting from rain deluge had been reported in Laurel Way, Duncots Close and Lower Green, and had destroyed gardens and risen within homes.
- Flooding took place to the west of the site and photographs showed waterlogging on Bedford Road due to pipe blockages.
- Ickleford had a high water table and measurements for this application had been taken during a dry period in April the previous year.
- Anglian Water had not accounted for rain deluge in the area when accepting these new homes into their system.

The Chair thanked Parish Councillor Goldie for their verbal presentation and invited the Member Advocate Objector, Councillor Louise Peace to speak against the application. They thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- Officers involved with the application should be thanked for writing a comprehensive report and arranging a site visit for Members of the Committee.
- Delivery of 100 homes with 50% affordable housing carried significant weight, but even with the tilted balance applied, it was believed that the harms outweighed the benefits.
- The development was outside the Ickleford settlement boundary and contrary to Policy SP2 in the Local Plan, therefore, it would significantly harm the Green Belt.
- Ickleford already suffered from excessive traffic, and 492 vehicle movements generated by the development would push the mini roundabout on Arlesey Road to peak capacity during school pick up times.
- 3 crashes had been documented on Crash Maps at the roundabout on Bedford Road.
- There was no cycle infrastructure on Arlesey Road or Bedford Road to help cyclists access Hitchin.
- Site access would cause the loss of 6 mature trees on Turnpike Lane and the Tree Preservation Orders on those had not been considered.
- No reference to the River Oughton being a chalk stream had been made in the Drainage Strategy, and runoff from the attenuation basin would pollute this.
- The chalk stream had only been given local importance in the Ecology Report.
- Wildlife would be impacted by the 14.65% on-site biodiversity net loss, and further adverse ecological impacts had been detailed in the Ecology Report.
- Contrary to the report, there was no shortage of brownfield sites in Ickleford and Hitchin, and 199 dwellings could be built on sites allocated within the Local Plan, which would more than meet the housing need identified by the Ickleford Neighbourhood Plan.
- Approving a development on open land in the Green Belt would fail to encourage the recycling of derelict and other urban land as described in the report.

In response to a point of clarification asked by Councillor Daniel Allen, Councillor Louise Peace advised that the Ecologist had confirmed that otter spray had been found in the area.

The Chair thanked Councillor Peace for their verbal presentation and invited the Public Supporter, Millie Dodd to speak in support of the application. They thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- They were the Account Director at Just Build Homes, who focused on reaching residents who did not typically engage with the planning consultation process.
- Just Build Homes had engaged with residents in the determination period of the application to hear why residents supported the application, and all responses received had been made available on the planning portal.

- Reasons for supporting the application included tackling the housing crisis through the provision of affordable homes, and the creation of open green space with a playground that would create a community feel.
- Granting permission for this application would provide an opportunity for home ownership to existing residents of Ickleford.

In response to points of clarification asked by Councillor Martin Prescott, Ms Dodd advised that:

- Just Build Homes spoke on behalf of supporters for local house building as evening committee meetings were not accessible for most residents.
- They also worked on behalf of local authorities, developers and housing associations to provide more representation of community voices in the planning process.

In response to points of clarification asked by Councillor Martin Prescott, the Development and Conservation Manager advised that a public supporter did not have to live locally to be able to register to speak, and the assessment of planning consultation responses was based upon the content of the comments, rather than the number of responses.

In response to further points raised by Councillor Martin Prescott, the Locum Planning Lawyer advised that points of clarification should relate to points raised in the verbal presentation, rather than what the rights of the speaker were to speak at the Committee.

The Chair thanked the Ms Dodd for their verbal presentation and invited the Agent to the Applicant, Kathryn Ventham to speak in support of the application. They thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- The recommendation to grant permission had been made due to very special circumstances as the benefits outweighed the adverse impacts of the application.
- Benefits of the application included the delivery of 100 homes, of which 50% would be affordable, which was 10% above policy requirement. Significant open space and a green route through the site connecting to existing developments would also be delivered
- The development would be enclosed on three sides by existing development and the water course to the south would provide a natural boundary.
- While substantial weight had been given to harm caused to the Green Belt, the site-specific circumstances showed that the benefits outweighed the harms.
- Built development had been contained to Grey Belt land and public access in the form of a park had been provided to make development acceptable in the Green Belt across the whole site.
- This development was of high-quality and would fit into the existing built form of Ickleford.
- Consultation responses had confirmed the suitable and sustainable location of the site, with only 30% being occupied by built development.
- Connection points at the site boundary with Ickleford Mill would ensure good connectivity between the two developments.
- £3.6M in financial contributions would be made in total.
- A significant contribution towards the delivery of affordable housing would be made by this site, and the collective benefits would significantly and demonstrably outweigh the harms.

The following Members asked points of clarification:

- Councillor Mick Debenham
- Councillor Martin Prescott

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

- There would be a requirement to remove some trees near the site access, but the other trees would be retained, and additional tree planting would be investigated.
- They would anticipate the completion of the development by 2029 if the application was granted planning permission.

*N.B. Following the conclusion of public speaking, Councillor Louise Peace left the Council Chamber for the remainder of the item.*

Councillor Nigel Mason proposed to grant permission with the amendment suggested by the Senior Planning Officer in their verbal update, and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Daniel Allen
- Councillor Ruth Brown
- Councillor Mick Debenham
- Councillor Clare Billing
- Councillor Emma Fernandes
- Councillor Martin Prescott
- Councillor Caroline McDonnell
- Councillor Nigel Mason

The following points were made as part of the debate:

- Delivery of 100 homes and 50% affordable housing would be of significant benefit.
- Allocated sites in the Local Plan should be built on first rather than speculative sites like this one.
- 70 metres was not very far to the nearest development and Ickleford would soon be swallowed by Hitchin if applications like this one continued to be granted permission.
- The benefits and harms of the application were finely balanced.
- This development was positive as it would provide green open space to the public without built development being in open view.
- Reserving the southern portion of the site for green space was positive and safeguarded Ickleford from being absorbed by Hitchin.
- The Applicant had put a lot of thought into the application and it would be of benefit to the community.
- There would be a loss of grazing fields and natural habitat at the southern end of the site as it would be landscaped.
- It was close in proximity to Laurel Way, which had reported sewage issues.
- Adding approximately 200 vehicles to Turnpike Lane was not desirable.

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

- It would not be appropriate to pre-judge decisions on any pending applications, and each application would be considered on its own merits. Therefore, granting planning permission on this application would not set a precedent for decisions on future applications.
- From memory, the Icknield Neighbourhood Plan detailed that there were roughly 884 dwellings in the village, which might exclude the Burford Grange development.

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

**RESOLVED:** That application 25/02401/OP be **GRANTED** planning permission subject to:

- a) The completion of a satisfactory legal agreement and the Applicant agreeing to extend the statutory period in order to complete the agreement if required; and
- b) Providing delegated powers to the Development and Conservation Manager to:
  - (i) Resolve outstanding matters and financial contributions including a late request from Ickleford Parish Council; and
  - (ii) Update conditions and informatives with minor amendments as required; and
- c) The conditions as set out in the report of the Development and Conservation Manger.

*N.B. Following the conclusion of the item, there was a break in proceedings. The meeting reconvened at 20:33 and Councillor Louise Peace returned to the Chamber.*

**168 26/00006/FP LAND TO NORTH OF, STEVENAGE ROAD, HITCHIN, HERTFORDSHIRE**

*Audio recording – 1 hour 30 minutes 26 seconds*

The Principal Planning Officer provided a verbal update on matters relating to Application 26/00006/FP and advised that:

- Councillor Ralph Muncer had submitted a letter of objection after the publication of the supplementary documents.
- St Ippolyts Parish Council had also submitted a letter of objection and an S106 request following the publication of the supplementary documents.
- The Applicant had submitted a new proposed site layout, tenure plan, drainage addendum, highways technical note and noise impact assessment, and had requested for these to replace the original documents.
- A request had also been made by the Applicant to extend the determination period of the application until 3 July 2026.

The Principal Planning Officer then presented the report in respect of Application 26/00006/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Mick Debenham
- Councillor Daniel Allen

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

- The ownership of the gate and the road that would be used for site access were unknown, but it was that they were owned by Kingshott School.
- Affordable housing would be similar to market housing within the development and both their material distribution and form were similar.
- Non-vehicle routes would lead out of the site in multiple directions to various facilities and amenities around 1km away.

In response to questions, the Locum Planning Lawyer advised that ownership matters were not a material planning consideration as these would be between the Applicant and the road owner to discuss.

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

- In their opinion, the planning application had been put forward for consideration too early, and they had politely submitted an extension request to the Council.
- The new documents put forward responded to comments from statutory consultees and offered technical reasoning and solutions to key parts of the scheme.
- The contribution of the site towards Purpose A in the Green Belt assessment was not evident as containment features surrounding the site would prevent sprawl.
- Grey belt development did not cause harm to the Green Belt, and this should be given material weight in determining the application.
- 50% affordable housing provided by the development should also be given significant weight.
- An accessible ecological buffer would be provided by the development.
- This application should be deferred or granted planning permission by the Committee.

The following Members asked points of clarification:

- Councillor Clare Billing
- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Daniel Allen

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

- They had not withdrawn the application due to the cost and the reputation of the Council to work proactively with developers.
- This was not an isolated development as it would have direct active travel links with Hitchin and amenities in proximity to the development.
- The development was a logical annex of Hitchin and Kingshott School played a critical role in providing outdoor sports facilities.
- The developer had an established record of working with housing associations, and discussions had already taken place with some over the 50% affordable housing that would be provided.
- Additional information submitted to the Council addressed the concerns raised by the Highways Authority, and they had also met with them to resolve site access issues.
- Additional mapping and topographical data taken as part of a detailed site survey demonstrated that flooding would not be a concern.
- Contrary to the report of the Principal Planning Officer, the site did not perform strongly to Purpose A of the Green Belt in the National Planning Policy Framework (NPPF) as there were strong containment features on each side that would restrict urban sprawl.

In response to points raised in the verbal presentation, the Principal Planning Officer advised that:

- The application had been processed in a particular way because of the reasons detailed in the supplementary documents.
- It was believed that the application could not improve the environmental conditions of the area as referenced in paragraph 39 of the NPPF.
- Key parts of the preapplication advice had been ignored by the Applicant in their application, therefore, Members were considering the application as it had been submitted.

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

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Daniel Allen

The following points were made as part of the debate:

- The report and presentation from the Principal Planning Officer, in addition to the objections from the Lead Local Flood Authority and Highways Authority detailed sufficient reasons to refuse planning permission.
- North Hertfordshire needed homes, but not to the detriment of the local area.
- There was no argument for the site to be classified as Grey Belt.
- This application had multiple areas of concern relating to flooding, access and separation of housing types.

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

**RESOLVED:** That application 26/00006/FP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

**169 25/02794/RM HIGHOVER FARM, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE, SG4 0RQ**

*Audio recording – 2 hours 11 minutes 7 seconds*

The Senior Planning Officer provided a verbal update on matters relating to Application 25/02794/RM and advised that:

- The most up-to-date Location Plan had been published with the supplementary documents.
- Tracking plans had not been agreed by the Highways Authority, therefore, an additional recommendation to provide delegated powers to the Development and Conservation Manager to finalise tracking plans in consultation with the Highways Authority was suggested.

The Senior Planning Officer then presented the report in respect of Application 25/02794/RM accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- The condition relating to solar panels had already been discharged in a separate application and EV chargers were subject to a pre-occupation condition in a separate application.
- The application had not been considered by the Design Review Panel, but Urban Design Officers had commented on the application and the Applicant would have to adhere to the District Urban Design Code on any future applications submitted.
- Sustainable Drainage Systems (SUDS) had already been agreed in consultation with the Local Lead Flood Authority in a separate application.

- The main road running through the site would likely be adopted by the Highways Authority, and the two loop roads in the development had also been designed to be adoptable. However, cul de sacs were unlikely to be adopted.
- This phase of the development was denser than the next phase as it contained more flats rather than housing. However, 40% affordable housing would still be delivered across all phases for the site.
- A consultation response from the Green Space Team had not been received but a previous comment from them detailed that the Council no longer required dog litter bins to be provided. As such, there were enough litter bins without those to satisfy requirements, but the Green Space Team would be contacted about this anyway in due course.

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

- The application complied with the approved Design Code, the Strategic Masterplan Framework and the Phasing Strategy.
- They had worked closely with officers to discuss key design concerns, which had resulted in the amended plans in their current form.
- This phase focused on the eastern side of the site and would enable a permeable and legible development in anticipation of features delivered in the next phases.
- 40% affordable housing would be delivered, with a higher proportion of 1 and 2-bed flats as this phase contained the character area of The Avenue where height and density were needed as prescribed by the outline planning permission and Design Code.
- Most proposed dwellings in this phase would be 2 storeys and all proposed garages would be single storey.
- A large proportion of the open space and biodiversity net gain requirements had been included in this application at Hitchin Meadows and Dane Walk.
- Additional play on the way would be provided along the active travel corridor in the southern part of the site, which would link to a future pocket park in phase four.
- A variation of mixed density and design had been shown in the plans, and the development would reflect the character of the surrounding area.
- Much needed housing would be delivered for the district, and approval of this application would enable construction to begin this summer.

The following Members asked points of clarification:

- Councillor Clare Billing
- Councillor Daniel Allen
- Councillor Louise Peace

In response to points of clarification, the Mr Osborn advised that:

- They would be happy to engage with Hertfordshire Constabulary on Secured by Design in due course.
- Affordable and social housing would be equally distributed across the site.
- Heat pumps and solar panels would be on the affordable dwellings as this was a requirement.

In response to an additional question from Councillor Martin Prescott, the Senior Planning Officer advised that residents would have permitted rights to install solar panels on their roofs and many dwellings would have roofs appropriate for solar panel installation.

Councillor Nigel Mason proposed to approve reserved matters with the amendment suggested by the Senior Planning Officer in their verbal update, and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Daniel Allen
- Councillor Ian Mantle

The following points were made as part of the debate:

- Lots of needs were addressed through this application.
- While it was preferred to see applications conform to the emerging Design Code, it was sufficiently compliant and they should approve this application without hesitation.
- It had been positive to see the development progress to this stage.
- Infrastructure such as public transport should be in place ahead of first occupancy.

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

**RESOLVED:** That application 25/02794/RM be **APPROVED** reserved matters subject to:

- a) Providing delegated powers to the Development and Conservation Manager to:
  - i) Update conditions and informatives with minor amendments as required; and
  - ii) Finalise the tracking plans in consultation with the Highways Authority; and
- b) The conditions as set out in the report of the Development and Conservation Manager.

## 170 EXCLUSION OF PRESS AND PUBLIC

*Audio recording – 2 hours 45 minutes 29 seconds*

Councillor Nigel Mason proposed and Councillor Ruth Brown seconded and, following a vote, it was:

**RESOLVED:** 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).

## 171 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 2

*N.B. This item was considered in private session and therefore no audio recording was available.*

The Conservation and Planning Enforcement Team Leader presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 2', following which Members asked questions.

The Chair thanked the Conservation and Planning Enforcement Team Leader for their presentation.

**172 PLANNING ENFORCEMENT QUARTERLY REPORT - PART 1**

*Audio recording – 3 hours 1 minute 3 seconds*

The Conservation and Planning Enforcement Team Leader presented the Information Note entitled 'Planning Enforcement Quarterly Report – Part 1' and advised that:

- An enforcement notice had been served to 4C Sun Street for the alteration of fenestration within a conservation area.
- Breachwood Green had been served an enforcement notice for change of use of a car park in the Green Belt and the appeal on this had been dismissed. However, the enforcement notice had been served by the appellant, and another appeal had been submitted, which would be determined through the written representation procedure.
- An appeal had been made against the enforcement notice served to The George at Baldock, and this would be determined through a Public Inquiry.
- A listed building enforcement notice had been served to 19 Sollershott Hall for the installation of a trellis, and they were seeking compliance on this as there had been no appeal made.
- 96 High Street had been served an enforcement notice for installing UPVC windows on a listed building without authorisation, and they were also hoping for compliance on this.
- An appeal had been submitted on the enforcement notice served to The Barn at Tee Green, and this would be determined through written representations.
- An enforcement notice had been served to 31 Thatcher's End, and the appeal made against this would also be determined through written representations.
- Members would receive an update on the determination of those appeals at a future meeting.

The Chair and Councillor Ruth Brown put on record their thanks to the Planning Enforcement Team for their work.

The Chair also thanked the Vice-Chair and officers for supporting the Committee during the Civic Year, and thanked Members for their commitment and time dedicated to the Committee.

The meeting closed at 10.09 pm

Chair

<u>Location:</u>	<b>Land On The South Side Of Cowards Lane Codicote Hertfordshire</b>
<u>Applicant:</u>	<b>Hawridge Strategic Land Limited</b>
<u>Proposal:</u>	<b>Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)</b>
<u>Ref. No:</u>	25/01766/OP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:**

**Extension of statutory period:** 8 June 2026

**Reason for Delay:**

To address consider legal submissions by the applicant an obtain legal advice, reconsider the application and to present the application to an available committee meeting.

**Reason for Referral to Committee:**

The application is for residential development, and the site area totals more than 0.5HA.

1.0 **Site History**

1.1 None.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy and Spatial Distribution  
Policy SP5: Countryside and Green Belt  
Policy SP6: Sustainable Transport  
Policy SP7: Infrastructure Requirements and Developer Contributions  
Policy SP8: Housing  
Policy SP9: Design and Sustainability

Policy SP10 - Healthy Communities  
Policy SP11: Natural Resources and Sustainability  
Policy SP12: Green Infrastructure, Landscape and Biodiversity  
Policy SP13: Historic Environment  
Policy HS2: Affordable housing  
Policy HS3: Housing mix  
Policy HS5: Accessible and Adaptable Housing  
Policy T1: Assessment of Transport Matters  
Policy T2: Parking  
Policy D1: Sustainable Design  
Policy D3: Protecting Living Conditions  
Policy D4: Air Quality  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology  
Policy NE1: Landscape  
Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and Geological Sites  
Policy NE6: New and improved public open space and biodiversity  
Policy NE7: Reducing Flood Risk  
Policy NE8: Sustainable Drainage Systems  
Policy NE12: Renewable and Low Carbon Energy Development  
Policy HE4: Archaeology.

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

Section 2: Achieving sustainable development  
Section 3: Plan making  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding, and coastal change  
Section 15: Conserving and enhancing the natural environment

## 2.3 **Codicote Neighbourhood Plan 2024 – 2031**

COD 1: Designing with Design Codes  
COD 2: Designing for Net Zero  
COD 3: Designing for Flood Resilience  
COD 4: Planning for Biodiversity  
COD 12: Traffic Congestion and Road Safety  
COD 13: Public Transport  
COD 14: Safe and Accessible Active Travel Routes  
COD 15: Sustainable Water Supply  
COD 16: Landscape Character and Important Views  
COD 17: Biodiversity and Ecological Connectivity  
COD 19: Climate Change Resilience

## 2.4 **Supplementary Planning Documents/Guidance**

Developer Contributions SPD – January 2023  
Sustainability SPD – September 2024

### 3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – A total of 161 representations have been received, 158 of those representations (per household) objecting, 2 neutral and 1 in support, raising the following matters (summary):

- The site is not allocated for residential development in the North Herts Local Plan.
- Codicote has already made significant contributions to housing with the 4 allocated sites, with this proposal adding to existing issues in the village.
- The site is in the Green Belt and development here is inappropriate.
- There is significant congestion in the village on the High Street and surrounding roads, which would be worsened by this development.
- Cowards Lane is a single track lane with a 7.5 tonne weight restriction and cannot accommodate more traffic/construction vehicles.
- The site is located on a dangerous bend on Cowards Lane which is hazardous for future occupiers and users of the road.
- The village has insufficient infrastructure and services (public transport, doctors, dentist etc) to cope with additional housing.
- There is no indication as to the height/design of the proposed dwellings under this application.
- The drainage on and around the site is insufficient, and the site is often prone to flooding.
- Cowards Lane has no pavements for pedestrians which puts potential future occupiers at risk.
- Many of the houses built on the allocated sites are unoccupied, but schools are already close to capacity so future occupiers may struggle to get a place locally.
- There is a public footpath across the site which is one of the last remaining green spaces in the village, which would be closed for construction and irreversibly affected for users.
- Questions over whether the proposed affordable housing is actually affordable, given the delivery of affordable homes on the allocated sites.
- The proposal would disturb and cause harm to wildlife on the site, which is designated as a Local Wildlife Site.
- The proposal does not comply with the Codicote Neighbourhood Plan.
- The application is stated for 30 dwellings, but the developer is suggesting that they are seeking permission for 45 dwellings, which is inconsistent.
- The development would result in a net loss of biodiversity.
- Further development would result in increased sewage capacity issues.
- If approved, the application should incorporate 30 integrated Swift bricks.

3.2 **Hertfordshire Highways** – There have been three consultation responses received from the Highway Authority. An initial response was received on the 14<sup>th</sup> August 2025, objected to the proposed development on the grounds of insufficient information covering several matters which were required to be addressed. These matters included whether the proposed footway along the access road and south side of Cowards Lane to St Albans Road, can be delivered to promote walking and cycling trips from the site.

The applicant submitted a Transport Addendum dated August 2025 which the Highway Authority commented upon on 10 September 2025. Their objections were maintained and they requested that the applicant investigates and liaise with the Highway Authority regarding widening of Cowards Lane from the proposed site access to St Albans Road within the adopted highway, alongside the installation of the proposed 2m footway.

Following the submission of amended/additional information and re-consultation, a third response was received on the 7<sup>th</sup> October 2025, raising no objections subject to several conditions, informatives, and Strand 2 contributions.

Under Strand 2 of the schedule, contributions of £9,861 per dwelling are required, which equates to a total of £295,830 (Subject to indexation SPONS to March 2024).

The Highway Authority will use the contribution to install a new pedestrian crossing on St Albans Road, between Tithe Close and Baker's Lane, in line with HCC Local Transport Plan Policy 1. This is fundamental to make the application acceptable and allow pedestrians to route safely to the primary school.

In addition, contributions will be distributed to schemes identified in the HCC's Local Transport Plan (LTP) and its supporting documents, Hertfordshire Growth and Transport Plan, LCWIP, alongside possible bus stop/service enhancements.

**3.3 Codicote Parish Council** – Objects to the development on the following grounds:

*“1. This development is not in the Local Plan nor the Neighbourhood Plan and is in the Green Belt. The Neighbourhood Plan says that any infrastructure upgrades should be carried out prior to village expansion including sewerage and electricity supply, both of which are under significant pressure already. Areas of the Riddy are flooded with effluent during heavy rainfall events.*

*2. The approval of the CD1 development by the Local Plan Inspector was contingent upon a "Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 & CD5 on the village centre and minor roads leading to/from Codicote, and secure necessary mitigation or improvement measures". Cowards Lane is one such minor road: it is very much a country lane and is completely inadequate to handle any increase in traffic. The lane is already subject to width restrictions and is also subject to a 9.5T weight restriction.*

*3. Insufficient justification has been made for the significant loss of Green Belt and for a development on a site which is recognised and documented as having important wildlife habitat and rare species. As such, this development will represent a net loss of biodiversity, something which runs counter to the NHDC policy of 10% net gain in any new development.*

*4. The area provides a local green space for residents to use for exercise and general wellbeing.*

*5. Water retention on site, particularly during the winter period is an issue. It has been noted that the geological survey has been carried out during one of the driest spring and summers on record, with the real concern that normal, wetter, conditions will lead to flooding.*

*6. The primary School cannot cope with extra children as it is full to capacity despite the recent expansion. Children will therefore need to travel out of Codicote for schooling, which adds to the traffic issues highlighted.*

*7. There are still no plans for a Doctors or Dentist surgery, necessitating the use of vehicles to travel for appointments”.*

Further correspondence with the Parish Council has confirmed that in the event that the application is granted planning permission, potential local contributions towards the following projects could be sought to mitigate the impact of development:

- *“Roundabouts at the Cowards Lane and Whitwell Road junctions. I don't know the costs of installing roundabouts, other than traffic surveys are very expensive, so I'm assuming £76k won't be sufficient for even one roundabout.*
- *An electronically operated barrier at the entrance to the JC/sports field, to ensure that access is controlled. Likely to cost in the region of £15k.*
- *The installation of SIDs [Speed Indicator Devices] along Bury Lane and St Albans Road. Total cost likely to be around £20k.*
- *An all-inclusive roundabout to be installed at the St Albans Road play area. Total cost approximately £15k.*
- *A new Parish Council office. The current pavilion project using s106 monies from the Heath Lane, Cowards Lane, Wyevale and The Close sites is looking at the possibility of adding an office to the side of the pavilion. Would it be possible to use potential s106 monies from this latest potential development to enhance this project idea? At this stage Council favours this project and is keen to understand if this is possible”.*

3.4 **Environmental Health (Air Quality, Land Contamination, Noise/Nuisances)** – No objection to the development subject to conditions and informatives.

3.5 **North Herts Ecology** – Strongly object to the development (part summary):

- The site is a Local Wildlife Site (LWS) Meadow N.W. of First Spring, designated due to its grassland assemblage. North Herts Local Plan Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations.
- The NPPF is clear that planning decisions should contribute/enhance the natural and local environment by protecting/enhancing sites of biodiversity value.
- The Statutory Metric supporting this application identifies a 4.78 loss of habitat units equating to 48.53% loss of biodiversity as a result of the proposal. However, the metric actually uses the incorrect significance criteria so the loss is really 5.5 habitat units this is important as the applicant cannot achieve the mandatory 10% BNG on site and would need to seek an offsite solution. In doing so it is essential that the correct number of units are sourced.
- The application claims that the habitat on site does not currently meet the criteria for LWS noting the degraded condition of the habitat. However, the citation for the site states ‘The field directly north has Meadow Buttercup (*Ranunculus acris*) and Common Knapweed (*Centaurea nigra*) although it is poached and very heavily grazed.’ The site met the designation criteria in 1997 and from a site visit by the NHC ecologist in October, sorrel was identified which can be added to the list as an additional indicator species present. From this visit it was clear that the sward could readily recover. This is acknowledged in the July 2025 Ecological Impact Assessment (EclA) in 2.3.19.
- The presence of a protected species is a material consideration, the PEA notes that survey data for bats is not complete with bat surveys still outstanding. 6 species of bats have been recorded from surveys on the site so far including nationally rare barbastelle.
- The EclA identifies the potential of the site for GCN interest due to the presence of ponds and suitable terrestrial habitat in the local area. The site is identified as being in an amber risk zone on the Natural England Great Crested Newt District Level Licensing (DLL) scheme which the applicant intends to use to compensate for the loss of suitable terrestrial GCN habitat. However, no Impact Assessment

and Conservation Payment Certificate (IACPC) has been submitted that I can see. With DLL the Council needs to see the IACPC countersigned by NE prior to determination to show the applicant has agreed to join the scheme, no signed certificate is provided and therefore we would need full GCN survey data to be provided to fully understand the impact of the proposal on a protected species.

- The scheme fails to comply with objective 14 of the Codicote Neighbourhood Plan, which seeks to enhance green corridors and habitats, increase biodiversity and retain their amenity value.
- The EclA acknowledges that the damage/loss of the LWS as a result of this proposal is contrary to local planning policies.
- The application does not claim to prevent harm or mitigate ecological losses, contrary to paragraph 193 of the NPPF.
- The proposed 10% BNG is not a benefit of the scheme as this is not being delivered on site.
- This proposal fails to demonstrate the mandatory 10% BNG on site, which, for a greenfield site, is unacceptable and would point to the fact that development here is inappropriate. Considering development on LWSs is very rare, this should be considered to have significant weight against the scheme rather than limited weight being attributed to such harm, not just to the site but to the ecological resource of the area.

Following the submission of further information in the form of a revised BNG metric, a bat survey addendum, GCN IACPC, and further ecological technical note with supporting appeal decisions, the Council's Ecologist provided the following further comments:

- Acknowledges that the amended BNG metric showing a loss of 5.57 habitat units equating to 50.85% loss of biodiversity is accurate.
- Acknowledges that the submitted bat survey data has been completed and finds at least eight bat species recorded as using the site, including the nationally rare barbastelle and Nathusius' pipistrelle.
- Acknowledges and welcomes the submission of a Great Crested Newt IACPC to compensate for the loss of suitable terrestrial GCN habitat.
- States that section 2.2 of the October 2025 EDP Technical note states *'Although the requirement for LWS compensation was not identified within the submitted EclA, this off-site scheme can be secured as part of an outline planning permission through the standard/mandatory biodiversity gain pre-commencement planning condition, together with an additional condition requiring the off-site biodiversity enhancement scheme to specifically address the LWS.'* This is taking the mitigation hierarchy to its third stage of last resort, but the applicant is missing the point that the mitigation hierarchy has not been adequately addressed by the fact the only reason an alternative site can't be used is because the applicant does not control any other land.
- Even if last resort were to be entertained the applicant fails to demonstrate where compensation would be delivered and indeed what that compensation would constitute. The claim that this can be conditioned is not good enough, NHC would need a tangible solution on the table to be given due consideration, leaving it to post decision would not be in line with the biodiversity duty. Further questions whether this proposal is truly sustainable development to allow the loss of existing ecologically significant sites that are part of Hertfordshire's nature network.

3.6 **Hertfordshire Growth and Infrastructure** – Formally responded seeking contributions as follows:

*“Secondary Education Contribution towards the expansion of Monks Walk Secondary School and/or provision serving the development (£389,848 index linked to BCIS 1Q2024)*

*Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Codicote Pre-School and/or provision serving the development (£2,105 index linked to BCIS 1Q2024)*

*Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Codicote Primary School and/or provision serving the development (£536 index linked to BCIS 1Q2024)*

*Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£58,468 index linked to BCIS 1Q2024)*

*Library Service Contribution towards increasing the capacity of Welwyn Garden City Library and/or provision serving the development (£8,552 index linked to BCIS 1Q2024)*

*Youth Service Contribution towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development (£5,773 index linked to BCIS 1Q2024)*

*Waste Service:*

*Recycling Centre Contribution towards the new recycling centre in Welwyn Garden City and/or provision serving the development (£3,314 index linked to BCIS 1Q2024)*

*Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development (£8,562 index linked to BCIS 1Q2024)*

*Fire and Rescue Service Contribution towards the expansion of Welwyn Garden City Fire Station and/or provision serving the development (£12,876 index linked to BCIS 1Q2024)*

*Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.*

*Note: The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.*

*Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation*

*Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly”.*

**3.7 Hertfordshire Archaeology** – No objection subject to conditions.

**3.8 Hertfordshire Rights of Way** – Initial response received on the 4<sup>th</sup> August 2025. Following the submission of further information by the applicant, a second response was received on the 2<sup>nd</sup> October 2025:

*“I note that the comments claim that there is no entry on HCCs ROWIP for upgrading the status of the footpath to Bridleway which is incorrect, I've provided the reference code in the comments below. Additionally, I believe there may have been some confusion about the request for the surfacing, the dedication of the footpath through the site to Bridleway was not asked for, simply an improvement to the surfacing to help enable a potential dedication to higher status one day in the future if other development opportunities allow.*

*Any works which will require the public footpath which runs through the site to be closed for safety reasons must not take place until after a Temporary Traffic Regulation Order has been applied for and granted by Hertfordshire County Council.*

*The provision of a dedicated surface for the Public Footpath which runs through the site is a positive inclusion in the plans, as is the removal of the gate structure to the north of the route.*

*The masterplan shows a parking area approximately halfway through the site which is located on the Right of Way – this has the potential to cause the footpath to become obstructed when vehicles park on it, forcing pedestrians out into the road. There should be a clear delineation between the parking area and the footpath so that residents are not encouraged to block the path and the placement of the building and parking area adjusted to allow more room for parking off of the footpath if necessary.*

*The HCC Rights of Way Improvement Plan includes the desire to upgrade Footpath 023 to a Bridleway (Reference 5/402) to allow for cycling and equestrian use. In order to help the footpath withstand the increased use which will come from the development, the section running through the development site should be surfaced to HCCs standard using crushed granite. The width of the surface should be a minimum of 2m but ideally 3m in order to ‘future-proof’ the surface of the path in the event that it is upgraded to Bridleway status in the future through planning gains.”*

**3.9 Hertfordshire Minerals and Waste** – No objection subject to a condition.

**3.10 North Herts Housing Supply Officer** – Initial responses received on the 11<sup>th</sup> August and 23<sup>rd</sup> September 2025, following discussions and correspondence on the provision of affordable housing/tenure mix. Subject to discussions between the Housing Officer, the applicant and Officers, the following response was received on the 3<sup>rd</sup> October 2025 and is the most up to date position of the Council:

*“The North Herts District and Stevenage Borough Councils Strategic Housing Market Assessment (SHMA) Update 2023 requires a 65% Social Rented/ 15% Affordable Rented/ 20% Affordable Homes Ownership (AHO) tenure mix for North Herts.*

*Based on the provision of 15 affordable homes this would require 10 social rented homes, 2 affordable rented homes and 3 AHO/ shared ownership homes to meet housing needs.*

*This is in accordance with 8.15 of the Local Plan and Policy HS3: Housing mix.*

*Please note that Codicote is currently listed as a Designated Protected Area (DPA) and staircasing on shared ownership homes is restricted to 80%, in accordance with The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009, which came into force on 07 September 2009. These regulations included the introduction of Protected Area Status for settlements exempt from the Right to Acquire (i.e. those with populations of less than 3,000). See 5.2.38, 5.2.40 and 5.2.41 of the Developer Contributions SPD. This is something we are reviewing.*

*Please also note 5.2.35 and 5.2.36 of the Developer Contributions SPD with regards to rents”.*

- 3.11 **Lead Local Flood Authority** – Initial response received on the 29<sup>th</sup> August 2025, objecting to the proposal in the absence of an acceptable drainage strategy. Further amended information was submitted by the applicant in an attempt to overcome the objections. Following re-consultation with the LLFA, a second response was received on the 24<sup>th</sup> October 2025, maintaining the objection in the absence of an acceptable drainage strategy. Following the receipt of further information in the form of an amended FRA and Drainage Strategy, a third and final response was received on the 14<sup>th</sup> November 2025, stating no objection subject to conditions.
- 3.12 **Anglian Water** – No objection subject to conditions.
- 3.13 **Thames Water** – Recommended informative.
- 3.14 **CPRE** – Objects to the proposal on several grounds (summary):
- The site is within the Green Belt, and the submission relies on the site being considered as Grey Belt in line with the December 2024 revisions to the NPPF.
  - The proposal would breach the first and third purposes of the Green Belt.
  - CPRE supports the significant local opposition and that of the Parish Council.
  - Refutes the assertion that the first purpose of the Green Belt is not relevant, as this proposal would clearly be urban sprawl beyond a built up area which represents a strong reason for refusing development.
  - All major housing applications submitted in Hertfordshire since 12<sup>th</sup> December 2024 have identified the site is Grey Belt, which is an unsustainable position and suggests the current definitions and guidance on this matter are inadequate.
  - The treatment of harms and benefits on the submitted Very Special Circumstances argument is inadequate and unsupported.
  - The loss of open space adjacent to built up areas is under pressure.
  - This application is not supported by the Local Plan and should be refused.
- 3.15 **Herts and Middlesex Wildlife Trust** – Initial response received on the 13<sup>th</sup> August 2025, objecting to the proposal on several grounds (summary). Second response reinforces points made in the initial response:
- The loss of part of Meadow North-West of First Spring Local Wildlife Site (LWS)
  - The loss of 1.13 ha of Other Neutral Grassland
  - Failure to comply with the ‘Golden Rules’ relating to the release of Grey Belt land.

3.16 **Hertfordshire Constabulary** – Whilst not objecting to the proposal, they do not support it and advise that the applicant engages with the CPDS to seek Secure By Design certification in order to achieve support. Informative recommended.

#### 4.0 **Planning Considerations**

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

4.1.1 The site is a paddock used for the grazing of horses. It covers an area of about 1.39 hectares and is located on the southern edge of Codicote, on the south side of Cowards Lane. The site has existing dense hedgerows and trees on the southern and western boundaries. To the north and east, the site is bounded by the rear gardens of residential dwellings, which have frontages with Cowards Lane and St Albans Road. The site is relatively flat with a gentle slope in the land in a north- to south direction, with a high point of about 99.8 AOD to a low point of about 92.8 AOD.

4.1.2 There is an existing field access off Cowards Lane with two dwellings to either side of this access - Field House (east) and Marlin (west) – the boundaries to these properties form the northern boundary to the application site. The access between these two dwellings, off Cowards Lane, leads to the existing field/pedestrian gate into the site which has a public right of way (Footpath 023) crossing it from Cowards Lane to St Albans Road. There is a single stable building located on the site adjacent to the west boundary.

4.1.3 The site is irregularly shaped with residential properties on St Albans Road to the north-west and residential properties on The Riddy to the east. There are open fields beyond the boundary hedge to the south and south-west.

4.1.4 The site is outside of the defined settlement boundary for Codicote and is within the Green Belt. The site is also part of a Local Wildlife Site (Meadow Northwest of First Spring) and is within Flood Zone 1.

##### 4.2 **Proposal**

4.2.1 The proposal is an outline application for residential development of up to 30 dwellings (including 15 affordable homes); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)

4.2.2 The application has been supported by the following documents:

- Site Location, Parameter Plan, Concept Masterplan, Proposed Access Plans, Tree Protection/Constraints Plan, Arboricultural Impact Assessment Plan
- Arboricultural Method Assessment
- Design and Access Statement
- Ecological Impact Assessment (incl. Biodiversity Net Gain Statement and Metric)
- Flood Risk Assessment and Drainage Strategy
- Noise Impact Assessment/Preliminary Risk Assessment/Air Quality Report
- Energy and Sustainability Statement
- Planning Statement
- Transport and Travel Plan Statement
- Landscape and Visual Impact Assessment

- Geophysical Survey Report
- Archaeological Desk Based Assessment
- Heritage Statement

### 4.3 Key Issues

4.3.1 The key issues in the determination of the application are:

- Principle of Development
- Ecology and Biodiversity
- Highways/Access/Rights of Way/Parking
- Effect upon the living conditions of neighbours
- Appearance/Layout/Scale
- Landscaping
- Play Area/Space
- Flood Risk/Drainage
- Affordable Housing/Housing Mix
- Heritage/Archaeology
- Energy and Sustainability
- Other Matters
- S106 Legal Agreement

#### Preliminary Matters

4.3.2 The application is for outline planning permission with all matters reserved apart from access. Therefore, details relating to design, landscaping, layout, and scale are not submitted for detailed consideration at this point.

#### Background

4.3.3 The applicant undertook pre-application engagement with the local community in June 2024 and sent a leaflet to 180 homes and 4 businesses.

4.3.4 A report was drafted for the meeting of this Committee that was held on 18 December 2025 recommending refusal of planning permission.

4.3.5 However, the report was withdrawn from the agenda for officers to consider submissions from the applicant including a barrister's opinion. Officers sought and obtained legal advice on the submissions. These are available on the Council's website. This application has been fully reviewed and reconsidered in the light of these.

#### Principle of Development

4.3.6 The Development Plan includes the adopted North Hertfordshire Local plan and Codicote Neighbourhood Plan which was made in September 2025. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and Planning Practice Guidance are material considerations attracting significant weight.

- 4.3.7 Local Plan Policy SP1 supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.8 Policy SP2 of the Local Plan makes provision for at least 13,000 new homes between 2011-2031. Most new development (approx. 80%) is to be delivered in six key towns in the district and a further 13% of housing, along with supporting infrastructure and facilities will be delivered within the settlement boundaries of five villages. The remaining development will be dispersed across the district.
- 4.3.9 The Council's Five-Year Housing Land Supply Position Statement (November 2025) shows that the Council can only demonstrate a 2.6-year supply of deliverable housing sites for the period 2025/26 - 2029/2030, representing a shortfall of 3,347 dwellings. As the Council is unable to demonstrate a five-year housing land supply, the titled balance described in NPPF paragraph 11 applies. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.10 The Council further acknowledges that the current Government has a clear message in response to the national housing crisis which is to deliver 1.5 million homes. The Written Ministerial Statement of 12 December 2024 is a material consideration which confirms that weight is given to housing delivery and to the presumption in favour of sustainable development.
- 4.3.11 Under Local Plan Policy SP2, Codicote is listed as one of the five larger villages where across the four allocated sites, an estimated 315 dwellings have been designated. All four allocated sites have planning permission and construction is underway on three of them. The site is located outside, but adjacent to, the defined settlement boundary for Codicote in the Local Plan. Therefore, the proposal conflicts with Policy SP2 of the Local Plan.
- 4.3.12 As stated, the site is within the Green Belt. Policy SP5 of the Local Plan covers the Countryside and Green Belt, where support is given to developments that are not inappropriate development or where Very Special Circumstances can be demonstrated.
- 4.3.13 Section 13 of the NPPF advises on such instances where development is considered in the Green Belt.

- 4.3.14 Paragraph 142 confirms the great importance that the Government attaches to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence
- 4.3.15 Paragraph 143 identifies the five purposes of Green Belt as:
- (a) To check unrestricted sprawl of large built-up areas;
  - (b) To prevent neighbouring towns merging into one another;
  - (c) To assist in safeguarding the countryside from encroachment;
  - (d) To preserve the setting and special character of historic towns; and
  - (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.16 Paragraph 153 of the NPPF sets out that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 4.3.17 Paragraph 154 of the NPPF sets out instances where development in the Green Belt is not inappropriate.
- 4.3.18 The proposed development of up to 30 dwellings would not meet any of the exceptions to inappropriate development under paragraph 154 of the NPPF.
- 4.3.19 The revision to the NPPF in December 2024 introduced the concept of ‘grey belt’, which is defined in the NPPF glossary as follows:
- “For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”*.
- 4.3.20 This outline application for up to 30 dwellings is submitted on the basis that the site constitutes ‘Grey Belt’ land. The first step is to therefore consider whether the site meets the definition of Grey Belt. Notwithstanding that land and stables used for equestrian purposes may be defined as previously developed land, it has been submitted on the basis that it is other land that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The application has been considered on this basis, and the Planning Practice Guidance (PPG) and case law advise on how sites should be appraised against these purposes.
- 4.3.21 In respect of purpose a), *to check the unrestricted sprawl of large built-up areas*, the PPG is clear that villages should not be considered large built up areas. Given that Codicote is designated as a larger village under Policy SP2 of the Local Plan, the site cannot strongly contribute to purpose a).

- 4.3.22 In respect of purpose b), *to prevent neighbouring towns merging into one another*, the PPG is clear that this purpose solely relates to towns merging, such that given Codicote is a village, and the site does not form a gap between towns in any case, the site cannot strongly contribute to purpose b).
- 4.3.23 In respect of purpose d), *to preserve the setting and special character of historic towns*, Codicote is not a town, and the site would not strongly contribute towards purpose d).
- 4.3.24 The next step is to consider whether there are any policies relating to areas or assets in footnote 7 that provide a strong reason for refusal. Whilst the site is part of a Local Wildlife Site (LWS), such sites are not considered under the umbrella term of habitat sites (and those listed under paragraph 194 of the NPPF). In the NPPF the term 'habitat sites' refers strictly to internationally and nationally designated European sites forming part of the national site network. Therefore, other areas/assets under footnote 7 are not relevant in this case, such that there are no strong reasons for refusing development against the application of policies relating to areas/assets in footnote 7.
- 4.3.25 Therefore, officers consider that development would utilise 'grey belt' and the next step is to consider the proposal against paragraph 155 of the NPPF.
- 4.3.26 Paragraph 155 of the NPPF addresses 'grey belt', which states as follows with justification set out:

*"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

*a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

The development would utilise grey belt land for the reasons set out above. The remaining matters require consideration of whether the development would fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. Purpose c), *to assist in safeguarding the countryside from encroachment*, would not be met by this proposal given that it is an open field within the countryside. However, the site is a very small part of the North Herts Green Belt across the area of the plan, such that its contribution on a plan-wide scale is very limited. In respect of purpose e), *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*, there would be no conflict. Therefore, the proposal is not considered to fundamentally undermine the purposes of the Green Belt when taken together across the area of the plan.

*b. There is a demonstrable unmet need for the type of development proposed;*

As already identified in this report, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 2.6 years. There is clearly a demonstrable unmet need for housing which the proposal would deliver, in accordance with part b).

*c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework*

The site is located outside, but immediately adjacent to, the defined settlement boundary of Codicote, which is designated as a larger village under Policy SP2 of the Local Plan. The site is in an accessible location, within walking distance of High Street and public transport links. For the purposes of Grey Belt, the development would be in a sustainable location.

*d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below".*

4.3.27 For part d), this dictates that for major development involving the provision of housing, of which this proposal would be, the development must accord with the criteria set out under paragraphs 156 and 157 of the NPPF.

*"a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*

The proposal is for up to 30 dwellings and would provide 50% affordable housing, which would be secured in a s106 agreement.

*b. necessary improvements to local or national infrastructure;*

The proposal would provide financial contributions to HCC and local infrastructure, as requested by the various stakeholders, which would be secured in a s106 agreement. Furthermore, as part of this proposal the applicant has agreed to deliver a pedestrian footway from the site onto Cowards Lane leading north-west, with new pedestrian crossings linking Cowards Lane to St Albans Road. This would constitute necessary contributions to local infrastructure.

*c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces".*

The site is an existing field with a public right of running way through it. It is understood that residents of Codicote utilise this area for informal recreation. However, this green space is not public open space and there is only a right of way along the public footpath. Whilst landscaping is a reserved matter, it is acknowledged that the submitted Parameter Plan identifies the provision of green spaces in the southern and eastern parts of the site. In addition, the site is opposite a playground to the north of Cowards Lane. Therefore, on the face of it the proposal accords with the Golden Rules. Within these areas a Local Equipped Area for Play (LEAP) and attenuation basin are proposed. In this same space, Local Plan Policy NE4c requires the provision of 12 metre buffers of complementary habitat for designated sites, which is consistent with the approach advocated by NPPF paragraph 159. Whilst a LEAP would not be considered complementary, the attenuation pond is potentially complementary depending upon how close engineered elements are to the existing hedge.

4.3.28 Paragraph 159 of the NPPF advises further relating to improvement to green spaces required as part of the Golden Rules and this therefore relates to the assessment of the proposal against part c) of paragraph 156, stating that:

*"The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the*

*development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). **Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes**” (Officer emphasis).*

- 4.3.29 The Hertfordshire Local Nature Recovery Strategy (LNRS) was published on the 24<sup>th</sup> November 2025. The site is within an Area of Particular Importance for Biodiversity; these form the baseline for nature recovery efforts in support of the Council’s ecological emergency. The LNRS notes there have been significant declines in the grasslands and heath habitats within Hertfordshire over the last 50 years and the site falls within the Grass and Heath Focus Area, which states that the proposed action is to “*Manage existing grassland and heathland to maintain the biodiversity of existing good quality habitats and enhance poor quality sites.*” This proposal would therefore not contribute to these outcomes given that development would comprise the about half of the LWS.
- 4.2.30 The Planning Practice Guidance (PPG) at Paragraph 047 states that “*The Local Nature Recovery Strategy is an evidence base which contains information that may be a ‘material consideration’ in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case*”. As such, considering the Council’s ecological emergency, the designation of this site as a LWS, and the recent publication of the LNRS, there is potential conflict with paragraph 159 of the NPPF.
- 4.3.31 Overall, it is considered that the proposed development would utilise grey belt land as per the definition set out in the NPPF, and would comply with paragraphs 155, 156 of the NPPF. As set out above, Paragraph 159 of the NPPF requires that the green spaces required as part of the Golden Rules should contribute towards meeting the outcomes of the LNRS. The applicant is proposing that this matter be addressed by conditions with a view to achieving BNG and have agreed to a S106 obligation to provide compensation off-site. In addition, they are proposing to locate a LEAP within the green space on site which would not contribute as complementary habitat within that space. Overall, whilst there is potential conflict with the aims of NPPF 159, it is considered that subject to off-site compensation contributing to habitat creation on land identified within a Local Nature Recovery Strategy, the Golden Rules would be met.
- 4.3.32 Paragraph 73 of the NPPF confirms that small and medium sized sites can contribute to meeting the housing requirement of an area. This proposal for 30 dwellings would make a modest contribution towards the district-wide housing need.
- 4.3.33 Paragraph 77 of the NPPF indicates that the supply of large numbers of homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns provided they are well located and designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). This is reflected in the approach in the Local Plan to the delivery of housing and the settlement hierarchy set out at Policy SP2, which seeks to deliver approximately 80% of housing provision within the adjusted settlement boundaries of the towns of Baldock, Hitchin, Letchworth, Royston, Stevenage and Luton. Codicote is part of a group of second tier settlements where about 13% of housing along with supporting infrastructure will be delivered within the adjusted settlement boundaries.

- 4.3.34 Codicote has a relatively good range of facilities including a school, shops, several public houses, village hall and a church. Four sites are allocated by the Local Plan in the village for an estimated 315 new homes. Therefore, it is considered that there is not a local need to this housing. The applicant proposes this as a scheme that would contribute towards the district's housing land supply shortfall.
- 4.3.35 The application site is located outside the village of Codicote. Paragraph 83 of the NPPF confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities to grow and thrive, especially where this will support local services.
- 4.2.36 As indicated above, the village of Codicote is one of five villages where the settlement boundaries have been adjusted to deliver additional housing along with supporting infrastructure and facilities. Development on most of these sites has commenced and therefore, the village is seeing considerable new residential development because of site allocations in the Local Plan. As stated already, three of the allocated sites in Codicote have planning permission and their construction is underway, with the remaining fourth site still in s106 negotiations prior to the issuing of outline permission. Therefore, several of these sites are already contributing towards ensuring that the vitality of the village is maintained in line with Policy SP1 and paragraph 83 of the NPPF. This application site is not allocated for housing in the Local Plan and lies outside of the settlement boundary in the Green Belt. Moreover, it is located on a Local Wildlife Site (LWS), so whilst the considerations relating to 'Grey Belt' are acknowledged, the site is not required for housing to meet the needs of the village. It is considered that the proposal would make a modest contribution towards Districtwide housing need. Whilst it is not required to maintain the vitality of the village of Codicote it would nevertheless contribute to it. Nevertheless, in the planning balance, weight is attributed to the delivery of 30 dwellings including 15 affordable homes as a positive, but modest, contribution to the district's housing supply.

#### Ecology and Biodiversity

- 4.3.37 Policy NE4 of the Local Plan states that *"planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12. All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible."*

*Applicants should, having regard to the status of any affected site(s) or feature(s):*

*a) Submit an ecological survey that is commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of the site;*

*b) Demonstrate that adverse effects can be avoided and / or satisfactorily minimised having regard to the hierarchy of protection below:*

- i. locating on an alternative site with a less harmful impact;*
- ii. providing adequate mitigation measures; or*
- iii. as a last resort compensated for.*

*The acceptability of approach(es) to avoidance, mitigation and compensation will be commensurate with the status of the asset(s) likely to be affected by the application; Compensation is unlikely to be an appropriate solution for proposals affecting nationally or internationally designated sites other than in the most exceptional circumstances”.*

Criterion d) of this policy also having regard to the status of any affected site *“integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites, trees and hedgerows...”*

4.3.38 Policy SP12 of the Local Plan sets out that *“We will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. We will:*

*c) Protect, enhance and manage designated sites in accordance with the following hierarchy of designations and features:*

- Internationally designated sites*
- Nationally designated sites*
- Locally designated sites;*
- Non-designated sites that include important habitats and species”.*

4.3.39 Policy SP1 of the Local Plan also states that *“This Plan supports the principles of sustainable development within North Hertfordshire. We will:*

*c) Grant planning permission for proposals that, individually or cumulatively:*

*iv. protect key elements of North Hertfordshire’s environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment);*

4.3.40 Policies NE4 and SP12 of the Local Plan, are consistent with paragraph 193 of the NPPF, where it states that *“When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”.*

4.3.41 Policy COD4 of the Neighbourhood Plan seeks to ensure that development is designed with biodiversity in mind, relating to swifts/bats. Policy COD17 states that *“Development proposals should conserve and enhance biodiversity and deliver net biodiversity gains. The nature conservation value of Local Nature Reserves, Ancient Woodland, Traditional Orchards, Local Wildlife Sites, and other significant habitats will be protected from any harmful impacts of development, in accordance with their status.*

*II. Development should be avoided on areas coloured Green on the Hertfordshire Ecological Network Mapping. Where adverse impacts on biodiversity are unavoidable, measures as set out in Local Plan Policy NE4 will be imposed.*

*III. Development located in areas coloured purple on the Hertfordshire Ecological Network Mapping should contribute to enhancing ecological connectivity.*

*IV. Development located in areas coloured orange or adjacent to orange, purple or green areas on the Hertfordshire Ecological Network Mapping should provide a wildlife corridor between existing biodiversity sites or in the direction of existing biodiversity sites.”*

- 4.3.42 The site is part of a designated Local Wildlife Site (LWS); Meadow N.W. of First Spring, which is designated due to its grassland assemblage. The LWS was designated in 1997 and covers an area of approx. 2.73 HA. The site considered under this application is approx. 50% of the entire LWS.
- 4.3.43 The application is submitted with supporting Ecological Technical Notes, which acknowledges that the proposed development will result in the unavoidable loss of part of this LWS. An assessment of the site and the adjacent field also part of this LWS was undertaken, concluding that the onsite field was in a poorer condition than the adjacent offsite field, which was likely caused by intensive horse grazing. The assessment goes on to suggest that whilst it is surmised that the habitats on site fail to currently meet the designation criteria, the site remains a designated LWS, and this designation must be afforded weight within the determination of the application
- 4.3.44 The submissions go on to state that measures have been taken to minimise these losses whilst delivering the proposal. The applicant indicates in the submitted Planning Statement that the impacts of extent of the LWS are mitigated by the retention and management of other neutral and wet grassland habitats on open spaces within the site and that the partial loss of the LWS can be considered in line with LP Policy NE6 where it can be demonstrated that the loss has been minimised as far as possible where mitigation measures, such as favourable management of retained areas of other neutral and wet grassland are secured. The Planning Statement goes on to indicate at 7.9.2 that habitat creation and enhancement measures are proposed, and a separate Biodiversity Net Gain Assessment report has been prepared to identify whether the proposed development delivers a net gain for biodiversity, or whether additional off-site habitat creation/enhancement is required.
- 4.3.45 It is acknowledged that an off-site scheme of biodiversity enhancement will be required both to compensate for this loss, and to deliver the mandatory 10% BNG. It is understood that the applicant has started discussions with local biodiversity unit providers to identify an appropriate off-site scheme which appears to be deliverable, including one in Weston. In this regard, the Council entered a S106 agreement on 30<sup>th</sup> April 2026 with owners of land known as Weston Hills, Weston, Hertfordshire to provide land for habitat creation and enhancement for biodiversity gain purposes and securing biodiversity units pursuant to the Environment Act 2021 and brokering the sale of the Biodiversity Units for a period of 30 years.
- 4.3.46 The applicants are also of the view that this off-site scheme for biodiversity enhancements can be secured as part of an outline planning permission through the standard/mandatory biodiversity gain pre-commencement planning condition, together with a S106 obligation requiring the off-site biodiversity enhancement scheme. The submitted Ecological Impact Assessment does outline some measures that would seek to reduce the impact on the LWS ‘as far as possible’, but there is limited detail submitted as to how this harm to the LWS would be delivered and what it would comprise.

- 4.3.47 The Council's Ecologist has provided two formal responses, which are further supported by the Herts and Middlesex Wildlife Trust (HMWT), to this application and considers that, given that the site is a designated LWS and that North Herts declared an ecological emergency in 2023, the proposed development of this site is unacceptable in principle, asserting that locally designated sites should carry more weight given that the district does not benefit from any internationally designated sites, even though it is acknowledged that there is no local or national policy supporting this. Further comments set out that given this is a LWS, the application has failed to demonstrate where the compensatory BNG would be delivered and what this would comprise, suggesting that reserving the details of off-site BNG compensation for later through conditions is unacceptable as the Council would need a tangible solution to consider in full which at this stage has not been provided or invited due to the considered costs implications, in light of the principle objection to developing the site in ecological terms. Finally, comments from the Council's Ecologist and the HMWT note the inclusion of this site within the Hertfordshire Local Nature Recover Strategy (LNRS), which designated this site as a Grass and Heath Focus Area and has now been published as of the 24<sup>th</sup> November 2025. The applicant has subsequently agreed that compensation should be delivered by a S106 obligation and not an additional condition in the event that permission is granted.
- 4.3.48 In terms of Policies SP12 and NE4 of the Local Plan and Paragraph 193a of the NPPF, it is acknowledged that the LWS is a locally designated site, so in terms of the hierarchy it would sit below international and national designated sites. The applicants acknowledge that this is at the lower end of the hierarchy but do go on to state that harm to a LWS is not insignificant, but rather that harm is less significant than if it related to a national or international designated site, and that development which harms a LWS may be acceptable provided that harm is adequately mitigated or compensated for.
- 4.3.49 Policy NE4 of the Local Plan and Paragraph 193a of the NPPF are clear and consistent on the hierarchy of protection for ecological sites, where there is a requirement to demonstrate that adverse effects on ecology can be avoided and/or satisfactorily mitigated/compensated in the following order, with further consideration given in turn:
- *Locating on an alternative site with less harmful impacts.* The applicant's rationale behind meeting this part of the hierarchy is that the ecological loss of this part of the LWS cannot be avoided because the applicant does not control any other land that is not within the LWS. This rationale is disputed by the Council's Ecologist who states that the applicant not controlling any other land outside of the LWS does not adequately address this issue, as development should not be located on sites designated for their ecological value. It is also noted that the applicant does not own the application site either. However, officers have been advised on this matter and this is addressed later in this report.
  - *Providing adequate mitigation measures.* The applicant's rationale behind meeting this part of the hierarchy is that the impact on ecology/loss of this part of the LWS cannot be mitigated for on-site, as this would render the development unviable given its scale. This is also likely due, in part, to the existing ecological value of the site which would need to be replaced and enhanced on site, leaving little remaining space for development. The applicant's agent has indicated that the owner of the remainder of the LWS was approached with a view to mitigating the effect of the proposed development but was unwilling to do so.

- *As a last resort compensated for.* As set out earlier in this report, the applicant's original rationale here is that the impact on ecology/this part of the LWS can be compensated for off-site and secured through planning conditions, but the applicant now accepts that this should be by a S106 planning obligation. The supporting documents reference two recent appeal decisions where they consider that the acceptability of mitigation and compensation has been demonstrated where harm to the LWS cannot be avoided. This justification is disputed by the Council's Ecologist, who states that the Council would need a tangible solution to consider in full at this stage and this cannot be reserved for later by conditions, notwithstanding her in-principle objection to development on this LWS. As indicated above the applicant now agrees that compensation should be delivered by a S106 planning obligation.
- 4.3.50 The proposal would comprise development on approximately 50% of the designated LWS, which would result in its unavoidable loss. Notwithstanding the assessments of the existing condition of the site from an ecological perspective, it remains designated as an LWS and there is no dispute that appropriate restoration works of this part of the LWS and improvements to the habitat managements on site, would allow the site to recover and be closely aligned to the reason it was originally designated. Development of this site with 30 dwellings and associated works would directly preclude this restoration from occurring in the future, even if the supporting ecological notes suggest that there is no realistic prospect of there being a significant change to the management of the grassland present.
- 4.3.51 Furthermore, the site is within an Area of Particular Importance for Biodiversity in the now published LNRS; which form the baseline for nature recovery efforts. The LNRS notes there have been significant declines in the grasslands and heath habitats within Hertfordshire over the last 50 years and the site falls within the Grass and Heath Focus Area, which states that the proposed action is to *"Manage existing grassland and heathland to maintain the biodiversity of existing good quality habitats and enhance poor quality sites"*.
- 4.3.52 Paragraph 047 of the Planning Practice Guidance states that *"The Local Nature Recovery Strategy is an evidence base which contains information that may be a 'material consideration' in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case..."*
- 4.3.53 As such, the PPG confirms that it is for the decision maker to determine what is a relevant material consideration, what weight to attribute to it and base this on individual circumstances. The LNRS is published and clearly outlines that for this part of the LWS, the proposed action is to manage the existing grassland and heathland to maintain biodiversity.
- 4.3.54 Moreover, turning to Policies SP12 and NE4 of the Local Plan and Paragraph 193a of the NPPF, the development of this part of the LWS would result in harm to biodiversity through the erection of buildings and associated development on land that is designated for its ecological value.
- 4.3.55 Under Policy NE4 and NPPF Paragraph 193a, the first step is avoidance through locating development on an alternative site with less harmful impacts, which is justified through the submission that the applicant does not control any other land outside the LWS. The whole site, apart from the access road to Cowards Lane, is part of the LWS so it is not possible to locate/move development to an area that

would not result in harmful impacts to the LWS. Legal advice has been provided on this matter which is set out below.

4.3.56 The second step is providing adequate mitigation. On-site mitigation is limited given the size of the site and impact this would have on viability of the proposal. Therefore, the harm cannot be mitigated in this instance.

4.3.57 The third and final step is compensation. The Council's Ecologist considers that because it has not been demonstrated where compensation would be delivered and indeed what that compensation would constitute, reserving this for later through conditions is unacceptable given the site is a designated LWS. If this site was not an LWS, then it may well be considered appropriate to condition a scheme of BNG and ecological enhancements, but owing to the site's designation it is considered that the scope and details relating to compensatory measures would need to be set out in full, which is not the case for this application. The supporting documents offer generic details for ecological enhancements and states that conversations with habitat banks have taken place, with no precise details of how this will be delivered.

4.3.58 This matter was the subject of a legal opinion and other submissions by the applicant and legal advice has been sought by officers. The applicant submitted a barrister's opinion from Zach Simons KC asserting that the previous report, which was withdrawn before being considered by this committee, was wrong. This is available on the Council's Website as is the original report. This opinion indicates that the first recommended reason for refusal was predicated on several key errors relating to an 'in principle' objection for development in an LWS which is not supported in guidance, policy or law, that it misunderstands the mitigation hierarchy and the LNRS for Hertfordshire and fails to give the significant weight in favour of granting planning permission required by NPPF paragraph 158.

4.3.59 Advice was sought from barrister Nina Pindham on the legal submissions made by the applicant, which is available on the Council's website. Ms Pindham confirms that it is correct that conditions and/or planning obligations are routinely accepted by planning inspectors and the Secretary of State to secure off-site compensation details to be agreed post-consent. A precautionary approach to the grant of planning permission with conditions is advised.

4.3.60 Ms Pindham also advises that the point of the LNRS is not to create any planning designations, but to identify areas having potential for habitat creation or nature recovery, so that all proposals for development can contribute towards these outcomes. She states that *"LNRS' are not means to create Green Belt by the back door – development is positively encouraged in LNRS areas because an LNRS' aim is to integrate development alongside environmental restoration"*

4.3.61 Regarding the protection hierarchy set out in LP Policy NE4 and NPPF paragraph 193a Ms Pindham states,

*"I do not consider it is within the applicant's gift to survey all possible housing sites and prove there is no other alternative, notwithstanding the wording of §159. It need only present to the Council the site it proposes to develop. While alternative sites can be relevant to planning decision making, the evidence to support such a refusal is not available to the Council here. The conclusion that the suggested possible off-site mitigation measures are insufficient to offset the damage caused to the LWS or compensate loss of habitat needs to be fully explained. It strikes me as very likely the applicant can propose an off-site mitigation and compensation scheme that provides*

*BNG, compensates for the loss of the LWS, and complies with the objectives of the LNRS elsewhere.”*

*To be clear: it is permissible for the Council to object to the development on the basis that the proposed development would result in the loss of a large part of a LWS which has been identified as having particular potential for habitat creation and nature recovery in the published LNRS, which would result in significant and unmitigated harm to biodiversity contrary to North Hertfordshire Local Plan Policy NE4, Codicote Neighbourhood Plan Policy COD17 and §§159 and 193(a) of the National Planning Policy Framework. I am unclear whether the Council considers there is also a breach of Policy SP12.*

*As indicated, one obvious solution is to agree a suitable compensation scheme for the features of the site identified in the LNRS which led to its identification as a LWS. This can be secured from the applicant by way of s.106 obligation. Mr Simons states the applicant has proposed a scheme to achieve BNG on land off-site which is itself identified as an opportunity area by the LNRS...”*

- 4.3.62 Since the above advice was provided a S106 has been completed for the Weston Hills habitat bank.
- 4.4.63 The proposal includes details and measures relating to the impact on protected species and general ecological matters including hedgerow enhancements. Following the submission of further ecological details and information, including further bat survey information and a GCN IACPC, the impact on these species appears to be satisfactorily mitigated through the measures set out in the supporting ecological impact assessment.
- 4.3.64 In conclusion on this matter, the proposal would deliver mandatory 10% BNG, the applicant has indicated an intention to deliver 15% BNG, and moderate weight can be attached to this benefit. However, the proposed development would result the loss of about half of this LWS with inadequate on-site or nearby mitigation. Whilst this part of the LWS is in poor condition due to overgrazing, the applicant accepts that this does not affect its designation. The site therefore offers an opportunity for biodiversity recovery. From a planning policy perspective off-site compensation can be a last resort within the protection hierarchy. The Council's ecologist is concerned about the absence of detail at the point that a decision would be made given the aims of the LNRS to integrate development alongside environmental protection. Since writing the original report the Weston Hills habitat bank S106 has been completed. This would provide an appropriate location for the provision of off-site BNG units. Nevertheless, regarding the loss of the LWS to housing, the Council's Ecologist does not consider that the purchase of off-site BNG units is an acceptable means of compensating for the harm to the LWS.
- 4.3.65 Whilst local and national policies do not preclude the provision of off-site compensation to address the loss of and harm to the LWS, there is little information about the compensation proposed. Therefore, it would not be appropriate to address this by condition. However, officers have received advice that a compensation scheme could be secured via a S106 agreement.
- 4.3.66 NPPF paragraph 193 (a) confirms that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated or, **as a last resort, compensated for**, planning permission should be refused. Local Plan Policy NE4 confirms that planning permission will only be granted for development proposals that

appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations. LP Policy SP12 sets out a hierarchy of designations and features that would be protected, enhanced and managed and deliver measurable net gains for biodiversity. It is considered that the proposal would result in harm to the LWS and fail to meet the aims of the LNRS. However, in the light of advice received officers consider that compensation can be achieved off site, albeit as a last resort within the protection hierarchy, via a S106 planning obligation. This matter does weigh against the proposal from an ecological perspective, and moderate weight is attached to this.

#### Highways/Access/Rights of Way/Parking

- 4.3.67 Policy T1 of the Local Plan states that permission will be granted for development that does not lead to highway safety problems or cause unacceptable highway impacts, where necessary sustainable transport measures and improvements to existing highway networks are secured, where schemes are supported by the necessary supporting transport documents and for major developments, how schemes would be served by public transport, pedestrian routes etc.
- 4.3.68 Policy COD13 of the Neighbourhood Plan states that major development should have regard to whether it is capable of being served by existing highways and public transport networks. Policy CPD14 seeks to ensure safe and accessible active travel routes through development proposal.
- 4.3.69 The application is supported by a Transport Statement which addresses the key highway and access related matters pursuant to this application. Access to the site is proposed via a priority T-junction arrangement off of Cowards Lane, which would comprise of 5.5m wide carriageway with visibility of 2.4m x 25m in both directions from the proposed access on Cowards Lane.
- 4.3.70 The proposals also include provision of a 2.0m wide footway on one side of the access road into the site, with an additional 2.0m wide footway running north-west on the west side of Cowards Lane with several uncontrolled pedestrian crossings linking the footway to St Albans Road in the northern direction. The proposed works would also facilitate the widening of the northern section of Cowards Lane from 4.1m to 4.8m for approx. 40m. The neighbouring properties on Cowards Lane would be provided with new vehicular crossovers over the proposed footway. These works are within the highway but outside the application site. Therefore, control and delivery would be by means of a combination of 'Grampian' (negatively worded) conditions, s106 obligations and s278 Agreements with the Highways Authority.
- 4.3.71 The Hertfordshire Highway Authority (HA) have been consulted on this application and provided three responses, initially on the 14<sup>th</sup> August and 10<sup>th</sup> September where further review of the vehicular and pedestrian access junction capacity and pedestrian footway/possible widening of Cowards Lane details was requested. In the comment received 10<sup>th</sup> September, the HA acknowledged that the junction capacity and trip generation information was acceptable, stating that the proposed development would generate a maximum of 18 two-way trips during the busiest peak hour, which would not be detrimental to the operation of the local highway network subject to the delivery of off-site works that enable pedestrians of all ages and abilities to access key local facilities.

- 4.3.72 Following the submission of further information and amended plans which have sought to address the HA comments, a third and final response was received on the 7<sup>th</sup> October stating no objection subject to 3 conditions relating to the offsite works and access design/implementation, a construction management plan, and right of way design/implementation. The response also requested developer contributions under Strand 2, in the amount of £204,780 (subject to indexation SPONS to January 2019), which is based upon contributions of £6826 per dwelling, which would contribute towards active travel infrastructure to mitigate adverse pressures to the future operation and safety of the local highway, footway, cycleway and public transport networks. The mitigation will focus on enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips.
- 4.3.73 Overall, given the formal response of the HA which is satisfied with the proposed access, highway/pedestrian improvements and trip generation details, the proposal is considered acceptable in regard to highway safety in line with Policy T1 of the Local Plan. Furthermore, the proposed pedestrian footway works from within the site to include a new footway on Cowards Lane with crossing points leading to St Albans Road, are considered to be a benefit of this scheme given there is currently no pedestrian footways on Cowards Lane, as this would improve active travel modes through walking. This is necessary for the development to meet the Grey Belt Golden Rules under the paragraph 156b of the NPPF and therefore weight is not attributed to this benefit at this point in this report.
- 4.3.74 The comments received from interested parties relating to the significant congestion in the village on the High Street and surrounding roads, which would be worsened by this development, the fact that Cowards Lane is a single track lane with a 7.5 tonne weight restriction and cannot accommodate more traffic/construction vehicles, and that the site is located on a dangerous bend on Cowards Lane which is hazardous for future occupiers and users of the road, are acknowledged. However, the Highway Authority does not object to this proposal on highway safety grounds and does not consider these matters sufficient to justify refusal of planning permission.
- 4.3.75 A Public Right of Way (PRoW023) crosses the site from Cowards Lane connecting to St Albans Road to the south. HCC's Right of Way has provided formal comments on this application, acknowledging the need for a Temporary TRO should permission be granted and development commenced, comments on the Concept Masterplan for the site identifying a need for delineation between the parking areas and the footpath, and requests for the upgrading and widening of the footpath to a minimum of 2.0m. These are considerations are such that would be dealt with during a subsequent Reserved Matters application, but the applicant has confirmed agreement in principle to upgrading the surface and considering the width increase. This was a concern raised by interested parties would be addressed when considering the Reserved Matters.
- 4.3.76 A Travel Plan Statement (Ref. 2025/8549/TP01 Rev B dated July 2025) was submitted with the application for outline planning permission in support of the proposed development. The Statement outlines a 2km catchment area from the site which encompasses local retail units and leisure facilities as well as bus stops located in B656 High Street within a 400m walk from the proposed access. The Highway Authority reiterate that a solid commitment is required to promote the Travel Plan during construction of the development/marketing of the site to influence residents travel behaviour before they move to the site. It is vital that residents are

aware of this as early as possible before moving to site to achieve a mode shift in travel behaviours. This is a matter that can be addressed by a S106 legal agreement or similar legal mechanism.

4.3.77 In terms of parking, Policy T2 of the Local Plan and The Councils Vehicle Parking at New Development SPD sets out the requirements for parking standards for occupiers, visitors, garages etc. The Concept Masterplan is submitted for illustrative purposes only and notes some provision for resident and visitor car parking. The exact number and location of spaces will be dependent on the final details at the reserved matters stage to ensure compliance with Policy T2 and the Vehicle Parking SPD.

#### Effect upon the living conditions of neighbours

4.3.78 Local Plan Policy D3 confirms that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. NPPF Paragraph 198 stipulates that planning decisions should take into account the likely effects on living conditions and the natural environment. This application seeks outline permission, with layout, scale and appearance reserved. Therefore, the effect upon the living conditions of neighbours relating to loss of outlook, privacy, sunlight and daylight are matters that would be assessed at the reserved matters stage.

4.3.79 The existing field access off Cowards Lane would be a vehicular access that would serve 30 dwelling houses. Vehicles would pass between the two dwellings that front this access road, to the west is 'Marlin' and to the east is 'Field House'. There are also dwelling houses fronting and siding-on to Cowards Lane.

4.3.80 The carriageway edge to the proposed access road would be about 7m from the front elevation to 'Marlin' at its closest point and about 5m from the front elevation to 'Field House' at its closest point. The relationship and distance for the proposed carriageway would be similar to other properties fronting highways in the vicinity.

4.3.81 The application is accompanied by a Noise Impact Assessment (NIA) and the Council's Environmental Health officer has been consulted on the application. The NIA considers the noise impacts from construction as well as from the residential development of the site. It concludes that subject to conditions placed on construction operations the proposal would not have an unacceptable impact upon the noise environment. The Council's Environmental Health officer has raised no objections.

4.3.82 Nevertheless, the proposed residential development would generate greater activity in terms of the movement of vehicles and people compared to the existing use. This would have an impact upon the residential amenity of occupiers of Marlin and Field House compared to the current circumstances.

4.3.83 However, it is considered that given the space between these dwellings and the proposed access road and the modest scale of the proposed development and anticipated traffic generation, the noise and disturbance that would be generated would have an impact but not to the extent that there would be significant harm to the living conditions of occupiers of these dwellings and to the extent that the proposal would conflict with Local Plan Policy D3. There would be some impact compared to the existing amenity enjoyed by occupiers of these dwelling houses and moderate weight is given to the harm that would arise.

Impact upon the Character and Appearance of the Area, including Landscape and Visual Impact

- 4.3.84 Policy D1 of the Local Plan states that planning permission will be granted provided the development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF. Policy COD1 of the Codicote Neighbourhood Plan states that development should demonstrate high quality design and integrate well with their environment.
- 4.3.85 The submitted Design and Access Statement and Illustrative Master Plans provide rationale, and an indication of how the site could be delivered in terms of the layout, appearance and siting/footprint of dwellings and the wider site. However, as already stated the application is submitted in outline and seeks permission at this stage for access only, which leaves the consideration of appearance, layout, and scale of the development for a later date under reserved matters. Nevertheless, the proposed residential development will result in significant change in the appearance of the site, and it is necessary to consider this impact at this point when considering whether to grant planning permission.
- 4.3.86 The submitted Concept Masterplan shows how it would be intended to deliver 30 dwellings, with associated internal access roads, front and rear gardens, the public right of way and associated landscaping. However, this is for illustrative purposes only. The submitted Parameter Plan would be an approved plan in the event that permission is granted, and this identifies the provision and location of a Locally Equipped Area for Play (LEAP), green infrastructure and a SuDS feature.
- 4.3.87 Local Plan Policy SP9 considers good design as a key aspect of sustainable development. Local Plan Policy D1 is a permissive policy that addresses sustainable design and seeks to ensure that development proposals respond positively to a site's local context. It is therefore not considering the principle of residential development but the design concept and detail. Notwithstanding that scale, layout, appearance and landscaping are reserved matters, officers have concerns relating to the proposed location of the LEAP and consequential compliance with the aims of these policies.
- 4.3.88 The site is currently open and rural in appearance. There would be some enhancement that would arise from proposed landscaping. On balance the proposed residential development would have an urbanising effect upon the character and appearance of the area.
- 4.3.89 Local Plan Policy NE2 advises that proposals will be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character in which the site is located taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.90 Landscaping is a reserved matter. The submitted Parameter Plan shows the broad extent of developed/non-developed areas and landscaping across the site, whereas the Concept Masterplan shows the provision of roads, footways and parking spaces and the provision of private gardens for all dwellings, a pocket of publicly accessible

open space to the south of the site to comprise a LEAP and retained/enhanced trees and landscape buffers on the boundaries. However, this is only illustrative. An arboricultural assessment and supporting documents have been provided to demonstrate that the scheme will not result in harm to arboricultural features.

- 4.3.91 The application is supported with a Landscape and Visual Impact Appraisal, which has assessed the impact of development on the wider landscape from a number of immediate and wider viewpoints relative to the site. The report notes the following concluding remarks:

*“The visual and sensory character of the site would change notably because of implementation of the proposals. This magnitude of change is not an indication of bad design but is to be expected as the result of the change of use of any partially developed largely green site to residential development. However, the scale of change would be reduced by the fact that the site is already degraded to some degree, due to the settlement edge character of horse paddocks and the influence of the surrounding residential built form, as well as the fact that the physical elements of the landscape around the site perimeter will remain largely intact and will be enhanced.*

*The findings confirm that the proposals respect and enhance the landscape character of the surrounding area and site, and public visual amenity through a landscape lead design. The findings confirm that the site represents a logical and easily assimilated development.*

*For the reasons outlined within the report, the proposed residential development represents a small-scale and visually discrete feature and would not result in any material landscape or policy contraventions, and the site is not subject to any landscape designations seeking to protect specific landscape value”.*

- 4.3.92 Officers accept that there would be an unavoidable impact on the appearance of this site within its landscape if development was to take place, given the site is substantially free of built form at present. The site is an area of open space with a public right of way through it, which is enjoyed in such a way by users. Whilst the development would retain the public right of way through the site, the way that this footpath is enjoyed would be permanently and substantially altered by the development, given the new built form and associated hardstanding over what is a pleasant, open field. Therefore, Officers consider that whilst the development would not result in any significant or material harm to landscape character or visual harm from a wider perspective, especially as the site is not covered by any landscape designations that seek to protect it, there would be significant localised harm to the character and appearance of the site and most notably for users of the public right of way from within and adjacent to the site. This localised harm weighs moderately against the proposal.

#### Play Area/Space

- 4.3.93 Local Plan Policy NE6 seeks the provision of new and improved open space which meets the needs arising from development proposals and contributes towards the provision, quality and accessibility of open space as well as open space buffers for landscape, visual, ecological and air quality reasons.

4.3.94 The submitted indicative masterplan/landscape strategy and supporting Planning Statement sets out that the proposal would incorporate a Local Area of Play (LEAP). This is considered suitable for the scale of development and the site constraints, in accordance with the Councils Developer Contributions SPD. However, whilst acknowledging that the masterplan is indicative, Officer's question whether locating the LEAP in the southern corner of the site is the most appropriate position for it, given the distance to the LEAP from local residents who live outside of the development. Locating the LEAP more centrally or perhaps towards the northern part of the site could be more appropriate. Therefore, limited weight is given to the benefit that would arise from the provision of the LEAP

#### Flood Risk/Drainage

4.3.95 Policies SP11, NE7 and NE8 of the Local Plan address the need to meet the challenges of climate change and flooding, advising on the required information for assessing flood risk and drainage issues. These matters are consistent with Section 14 of the NPPF. Policy COD3 of the Neighbourhood Plan seeks to ensure that development is designed with floor resilience in mind, considering hardstanding and landscape/SuDs where appropriate.

4.3.96 The site is within Flood Zone 1. The applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy, and outline design plans to account for the local flood risk issues and surface water drainage at this location. The proposal includes a SuDS basin in the eastern portion of the site. The LLFA have formally responded to this application on three occasions, and at the time of writing, no longer object to the proposed development on flood and drainage matters subject to 3 conditions covering the detailed design of surface water drainage scheme, maintenance and management of sustainable drainage schemes, and the submission of a verification report. Subject to these conditions, the development is considered acceptable in its impact on flood risk and drainage matters, in accordance with Policies SP11, NE7, NE8 and NE9 of the Local Plan.

4.3.97 The concerns raised by interested parties relating to flooding and drainage issues are acknowledged but, in the circumstances, it is considered that this matter should be given neutral weight in the planning balance.

#### Affordable Housing/Housing Mix

4.3.98 Policy HS2 of the Local Plan sets out that on housing sites of 25 dwellings or more, there should be a 40% provision of affordable housing subject to viability. The expectation is for a 65%/35% split between affordable rented tenure and other forms affordable housing. The affordable housing provision should meet the needs of the area.

4.3.99 Policy HS3 of the Local Plan sets out that an appropriate range of house types and sizes to be provided having regard to the overall targets of the plan, the findings of the most up-to-date Strategic Housing Market Assessment (SHMA), the location and accessibility of the site and the appropriateness of the development to its surroundings in terms of density, scale and character. The expectation is that it is most appropriate to have a broad balance between smaller (2-bedroom or less) and larger (3-bedroom or more) homes.

4.3.100 Seeing as the proposal is submitted under the 'Grey Belt' principles and has sought to comply with the 'golden rules' as set out under Paragraph 156 of the NPPF, the proposal is seeking to provide 50% affordable housing which is in excess of that required under Policy HS2, which is acceptable and a significant benefit.

4.3.101 In terms of the proposed housing tenure, the Councils Housing Officer has provided several responses to this application relating to this matter. The most up to date response sets out that "*The North Herts District and Stevenage Borough Councils Strategic Housing Market Assessment (SHMA) Update 2023 requires a 65% Social Rented/ 15% Affordable Rented/ 20% Affordable Homes Ownership (AHO) tenure mix for North Herts.*

*Based on the provision of 15 affordable homes this would require 10 social rented homes, 2 affordable rented homes and 3 AHO/ shared ownership homes to meet housing needs.*

*This is in accordance with 8.15 of the Local Plan and Policy HS3: Housing mix."*

4.3.102 It is expected that the 15 affordable dwellings will be delivered in accordance with the above tenure mix as advised by the Housing Officer, to ensure that the development meets the affordable housing needs of the district, which would be secured in any s106 legal agreement. Moreover, in relation to the need for a local connection clause which is a matter disputed by the applicant insofar as they consider a local connection clause for Codicote alone is unreasonable, it is considered that the local connection clause as agreed in any s106 agreement should relate to the district as a whole, not just Codicote, as this will ensure the development meets the needs of the district.

4.3.103 In terms of the 15 affordable dwellings and the remaining 15 dwellings which are proposed to be market housing, there is no information at this stage that defines the type of housing mix and number of bedrooms. This is a matter that would be addressed in any subsequent reserved matters application, with reasonable scope/flexibility allowed in any possible s106 agreement to account for changes to developer contributions resulting from the types and size of dwellings.

4.3.104 The social benefits that would arise from the delivery of 15 affordable homes attracts significant weight in the planning balance.

#### Heritage/Archaeology

4.3.105 Policy SP13 of the Local Plan states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting*". This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that "*Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use*". These provisions are reinforced by paragraph 215 of the NPPF and Policy COD20 of the Neighbourhood Plan.

4.3.106 The application is supported by a Heritage Statement, which identifies that the majority of listed buildings in proximity to the Site are located on High Street and St Albans Road. The report concludes that the proposed development will not result in harm to the significance of any of the listed buildings identified in the local area surrounding the Site, as there will no impact on the experience of the listed buildings, or on the ability to understand or appreciate their significance. This conclusion is supported by Officers, and the proposal will not result in any level of harm to designated heritage assets, in accordance with Policies SP13 and HE1 of the Local Plan.

4.3.107 Policy HE4 of the Local Plan requires suitable consideration of proposals affecting heritage assets of archaeological interest.

4.3.108 The County Council's Archaeologist has provided formal comments on this application, stating that the *"fields to the east and west of the site have been subject to recent archaeological investigations. HER Event 85050 notes that about 100m to the east, archaeological evaluation was carried out on land south of Cowards Lane in a site approximately 3.5 ha in size. This evaluation included geophysical survey followed by archaeological trial trenching. Eleven targeted trenches were dug using the results of the geophysical survey. One trench contained a single feature which was an undated ditch. The other anomalies revealed by the geophysical survey were found to represent post-medieval and modern quarrying, modern field boundaries and drainage features.*

*However approximately 100m to the west HER Event 8613 notes that trial trenching revealed later prehistoric features, mostly of Bronze Age and Early Iron Age date, in the north-west of the site. A low to moderate density of features of Late Iron Age/Early Roman date was present across the southern two thirds of site.*

*A Geophysical Survey submitted with this planning application notes that no definitive archaeological features were identified within this site; however, it does lie within a landscape with some archaeological potential although nothing currently suggests heritage assets of national importance might be present."*

4.3.109 The response therefore recommends the imposition of three conditions to cover the submission of a WSI prior to commencement of development, which would include trial trenching and associated matters as a result. These conditions are considered reasonable to ensure that development has an acceptable impact on heritage assets of archaeological significance, in accordance with Policy HE4 of the Local Plan. This matter weighs neutral in the planning balance.

#### Noise/Contaminated Land/Air Quality

4.3.110 The application is supported by a Noise Impact Assessment, Contaminated Land Assessment and Air Quality Report. The Councils Environmental Health Officer has considered these documents and has formally responded with no objections to their conclusions, subject to recommended conditions to seek a Construction Environmental Management Plan, a scheme for noise protection measures, a protective measure in the event of finding any contamination on site and seeking the provision of EV charging points. Subject to these conditions, the scheme is considered acceptable in its impact on these matters. However, an EV charging point condition is not considered necessary because this is a matter now controlled by building regulations.

## Energy and Sustainability

4.3.111 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2040. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. Adopted Policy D1 – Sustainable Design – requires developments to consider a number of criteria including the need to reduce energy consumption and waste. In relation to residential development this will typically include features such as - low carbon technologies such as air or ground source heat pumps, solar or PV panels, Sustainable Drainage Systems (SuDS) and exceeding Building Control standards on thermal insulation.

4.3.112 The application is supported by an Energy and Sustainability Statement which seeks to demonstrate the measures to be incorporated into the development that will contribute to sustainability and accord with the Local Plan and NPPF. The document sets out the following measures as key features of this development:

- *The dwellings will be highly energy efficient, adopting a fabric first approach. They will be orientated to maximise solar gain where possible;*
- *There will be no natural gas connection to the site;*
- *Heating and hot water will be supplied via low carbon air source heat pumps;*
- *Solar photovoltaic panels will be installed where appropriate;*
- *The development will employ a combination of highly efficient fixtures, fittings and appliances to reduce domestic water use to achieve the 110 l/p/d target;*
- *Buildings will be designed and specified to adapt to a changed climate:*
  - o *Overheating will be managed through considered design;*
  - o *The retention of existing trees and additional planting will provide more comfortable microclimates in warmer weather;*
  - o *The landscape design will provide multi-functional benefits, supporting increased biodiversity and enhancing the overall aesthetic;*
  - o *Surface water will be managed via the integration of SuDS into the development.*
- *Electric vehicle charging points will be installed in line with policy requirements;*
- *High quality broadband will be provided in line with Approved Documents;*
- *The embodied carbon of the development will be considered and addressed through sustainable material choices and flexible and durable design;*
- *Demolition, construction and operational waste will be managed in accordance with the principles of the Waste Hierarchy.*

4.3.113 All of the above measures are considered suitable and would contribute to sustainability generally, with further details relating to many of these matters likely to form part of any subsequent reserved matters application.

4.3.114 One of the fundamental matters to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social, and environmental.

4.3.115 In terms of the economic objective, the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local

goods and services, boost the local economy and help to sustain the vitality and viability of local shops and services.

4.3.116 In terms of the social element, the scheme would seek to deliver a high-quality and inclusive residential development. The delivery of 30 dwellings, including 15 affordable dwellings, would make a modest contribution to the meeting the district's housing land supply needs. Overall, significant weight is attached to the delivery of market housing and affordable housing on this site.

4.3.117 In terms of the environmental objective, it is acknowledged that the proposed development would deliver energy efficient measures as set out in this report, which is a benefit. However, there are significant concerns over the impact of the development on the Local Wildlife Site, as set out in earlier sections of this report. Overall, owing to the in-principle objection to development of this LWS, and the failure to comply with Policy NE4 and Paragraph 193a of the NPPF, it is considered that the development would fail to meet the environmental objective of sustainability in the round, and this matter and weight attached to this is addressed earlier in this statement.

#### S106 obligations

3.3.118 In considering Planning Obligations relating to this proposed development, the Community Infrastructure Regulations (CIL) and Paragraph 57 of the Framework set out statutory and policy tests. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.3.119 Formal responses have been received from various consultees and stakeholders, including the County Council's Growth and Infrastructure Unit, Highway Authority, and the Parish Council, all seeking financial contributions to various projects to offset the impact of development.

4.3.120 The requests from Codicote Parish Council are set out at 3.3 of this report. These have been considered in consultation with the applicant as part of the process of agreeing Heads of Terms.

4.3.121 Regarding roundabouts at Cowards Lane and Whitwell junctions, highway improvements to make the development acceptable in planning terms is a matter for the Highway Authority, who have made no request in this regard. In the circumstances it is considered that this obligation would not be compliant with the CIL tests.

4.3.122 Regarding an electronically operated barrier to the JC/sports field, it is unclear how this is directly related to the proposed development and the calculation for this is unclear to ascertain whether it would be fairly and reasonable related in scale and kind to the development. Therefore, it is considered that the obligation would not be CIL compliant.

4.3.123 Regarding the installation of a Speed Indicator Device (SID) along Bury Lane and St Albans Road, this is a highway matter and has not been requested by the Highway Authority and cannot be implemented without their agreement. As the speed of traffic can influence active travel, it is possible that this could be funded from the Strand 2 contributions set out at Table 1 below.

4.3.124 Regarding a new Parish Council office, this appears unrelated to the scale of this proposal for 30 dwellings and details of a costed project have not been provided. Therefore, it is considered that this obligation would not be CIL compliant.

4.3.125 The agreed Heads of Terms are as follows:

Table 1

No	Requestor	Obligation sought	Amount
1	HCC Growth and Infrastructure Unit	Secondary Education Contribution towards the expansion of Monks Walk Secondary School and/or provision serving the development	£389,848 index linked to BCIS 1Q2024
2	HCC Growth and Infrastructure Unit	Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Codicote Pre-School and/or provision serving the development	£2,105 index linked to BCIS 1Q2024
3	HCC Growth and Infrastructure Unit	Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Codicote Primary School and/or provision serving the development	£536 index linked to BCIS 1Q2024
4	HCC Growth and Infrastructure Unit	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development	£58,468 index linked to BCIS 1Q2024
5	HCC Growth and Infrastructure Unit	Library Service Contribution towards increasing the capacity of Welwyn Garden City Library and/or provision serving the development	£8,552 index linked to BCIS 1Q2024
6	HCC Growth and Infrastructure Unit	Youth Service Contribution towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development	£5,773 index linked to BCIS 1Q2024
7	HCC Growth and Infrastructure Unit -Waste Service	Recycling Centre Contribution towards the new recycling centre in Welwyn Garden City and/or provision serving the development	£3,314 index linked to BCIS 1Q2024

8	HCC Growth and Infrastructure Unit – Waste Service	Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development	£8,562 index linked to BCIS 1Q2024
9	HCC Growth and Infrastructure Unit	Fire and Rescue Service Contribution towards the expansion of Welwyn Garden City Fire Station and/or provision serving the development	(£12,876 index linked to BCIS 1Q2024)
10	HCC Growth and Infrastructure Unit	Monitoring fees	£420 per trigger point (adjusted for inflation against RPI January 2024)
11	HCC Highways	Strand 2 HCC Planning Obligations Schedule - for the delivery of active travel infrastructure to mitigate adverse pressures to the future operation and safety of the local highway, footway, cycleway and public transport networks. The mitigation will focus on enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips	£9,861 per dwelling are required, which equates to a total of £295,830 (Subject to indexation SPONS to March 2024).
12	North Herts Council	15 affordable homes this would require 10 social rented homes, 2 affordable rented homes and 3 AHO/ shared ownership homes to meet housing needs	N/A
13	North Herts Council	Monitoring fee	£420 per trigger point (adjusted for inflation against RPI January 2024)

4.3.126 In addition to the above table, the applicant has agreed that the provision of compensation for the loss of LWS habitat is a matter that should be addressed in the S106 legal agreement.

#### Other Matters

4.3.127 It is necessary to consider and address the formal representations received from interested parties which are summarised at the start of this report. As such, the summary of concerns will be listed below with the Councils response in full:

*The village has insufficient infrastructure and services (public transport, doctors, dentist etc) to cope with additional housing.*

Response - The scheme would be subject to a S106 agreement which would secure financial contributions towards a number of local infrastructure projects, to offset the impact of the development.

*Many of the houses built on the allocated sites are unoccupied, but schools are already close to capacity so future occupiers may struggle to get a place locally.*

Response - This is a matter outside of the Council's control, but the proposal would be required to pay financial contributions towards local primary and secondary schools to assist with expansion if required.

*Questions over whether the proposed affordable housing is actually affordable, given the delivery of affordable homes on the allocated sites.*

Response - The Council's Housing Officer has provided robust guidance on the type and tenure of affordable homes, and the affordability provisions of any scheme would be secured in a S106 agreement.

*The application is stated for 30 dwellings, but the developer is suggesting that they are seeking permission for 45 dwellings, which is inconsistent.*

Response - This application is for up to 30 dwellings.

*Further development would result in increased sewage capacity issues.*

Response - Ensuring that a development has sewage capacity is a statutory requirement placed upon providers. Anglian Water and Thames water were consulted on this application and raised no objections.

#### 4.4 Overall Planning Balance and Conclusion

4.4.1 The application seeks outline planning permission for up to 30 dwellings, with means of access including affordable housing; following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works.

4.4.2 At the time of writing, the Council cannot demonstrate a five-year housing land supply. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. NPPF Paragraph 155d indicates that for a proposed development to not be regarded as inappropriate, development proposals must meet four criteria. Criterion (d) indicates that this development must meet the 'Golden Rules' requirements set out in paragraphs 156-157. It is concluded that the proposal is not inappropriate development within the Green Belt under the provisions of paragraph 155 and the tilted balance of NPPF 11(d) is not disengaged.

- 4.4.3 The site is located outside the defined settlement boundary of Codicote, which is designated as a larger village under Policy SP2 of the Local Plan. Therefore, whilst the site is immediately adjacent to the defined settlement boundary, the proposal would conflict with Policy SP2. The site is within the Green Belt, and detailed consideration and review of this site against the relevant Local Plan and NPPF policies in this report has concluded that the site would constitute Gray Belt. Whilst the site has been identified in the recently published LNRS as an Area of Particular Importance for Biodiversity and the development would directly preclude the restoration and management of this LWS from taking place, and off-site provision is not considered suitable in this instance, the NPPF is insufficiently clear as to whether this affects the 'Golden Rules'. Therefore, Officers have concluded that the proposal is not inappropriate development in the Green Belt due to it utilising Grey Belt and meeting the provisions of NPPF paragraph 155.
- 4.4.4 The quantum of dwellings proposed would be modest in the context of the housing needs of the district. Regarding local housing need, and the provisions of Paragraphs 82 and 83 of the NPPF, Codicote has four allocated housing sites in the Local Plan which make a considerable contribution to local housing supply in Codicote, ensuring that the vitality of the village is maintained in line with Local Plan Policy SP1. Nevertheless, the provision of up to 30 dwellings, including 50% affordable housing, would provide social and economic benefits and moderate/significant weight is attributed to these benefits respectively in line with the Government's message to boost housing supply.
- 4.4.5 The proposal is submitted in Outline with means of access under consideration. Following consultation with the County Highway Authority, the proposed access, highway/pedestrian improvements on Cowards Lane and trip generation details, is considered acceptable in regard to highway safety subject to conditions. Neutral weight is attached to this matter. The provision of a new pedestrian footpath link and crossing points on Cowards Lane towards St Albans Road is a benefit to which neutral weight is attached, given that this footpath is submitted as necessary local infrastructure under paragraph 156b of the NPPF under the 'Golden Rules'.
- 4.4.6 The proposal would result in the loss of about half of Local Wildlife Site (LWS); Meadow N.W. of First Spring, which is designated due to its grassland assemblage. North Herts declared an ecological emergency in 2023 and given that this site is designated for its ecological value, weight is attributed to the harm that would be caused to the LWS and the inevitable preclusion of potential restoration and management from occurring in the future.
- 4.4.7 Whilst this LWS falls into the third and lowest tier of nature conservation hierarchy there is a strong objection to development of this site in ecological terms as set out in this report which weighs against the proposal. However, Local Plan Policy NE4 and Paragraph 193a of the NPPF policy allow for off-site compensation as a last resort. This does not mean that there would not be harm from an ecological perspective; the proposal does not avoid loss or damage to the LWS and does not minimise unavoidable impacts through careful design. However, given that planning policies allow for loss of habitat to be compensated for off-site and some details are available as to how this would be achieved, it is considered that a scheme of compensation could be delivered through a S106 legal agreement. Therefore, in the round officers consider that this matter weighs moderately against the proposal in terms of the ecological impacts of the proposed development.

- 4.4.8 All other technical matters considered under the scope of this outline application have been satisfactorily addressed or are matters that would be considered in a potential subsequent reserved matters application.

Table 2

Issue	Effect	Weight
Delivery of 15 Market Homes	benefit	Moderate
Delivery of 15 Affordable Homes	benefit	Significant
BNG	Benefit	Moderate
Golden Rules	Benefit	Significant*
Sustainability credentials	Benefit	Moderate
Impact upon Local Wildlife Site	Harm	Moderate
Landscape and visual impact	Harm	Moderate
Residential amenity	Harm	Moderate
Trees	Neutral**	Neutral
Heritage including archaeology	Neutral**	Neutral
Highways and traffic	Neutral**	Neutral
Flood Risk and drainage	Neutral**	Neutral
Open Space Provision	Neutral**	Neutral
Environmental health	Neutral**	Neutral

\*as set out at NPPF 158

\*\* subject to conditions and/or S106 obligations

- 4.4.9 In conclusion, having regard to Paragraph 11d of the NPPF, it is considered that the identified harms do not significantly and demonstrably outweigh the benefits, that the presumption in favour of sustainable development applies. Therefore, it is considered that planning permission should be granted subject to conditions and S106 obligations.

## 4.5 Alternative Options

- 4.5.1 N/A

## 4.6 Pre-Commencement Conditions

- 4.6.1 The applicant's agreement to the recommended pre-commencement conditions has been sought.

## 5.0 Recommendation

- 5.1 That planning permission is resolved to be **GRANTED** subject the following:
- A) The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and a scheme of compensation for the loss of the LWS.
  - B) The applicant agreeing to extend the statutory period to complete the agreement if required;

C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and

D) the Conditions as set out below.

### **Mandatory BNG Condition**

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.

### **Time Limit**

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the first of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved plans and Documents**

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved:

HAWR.250206 SLP-01 – Site Location Plan

HAWR.250206 PPL-01 – Parameter Plan

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

### **Construction and Site Waste Management Plan**

- 3) No development shall commence until a Construction and Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction and Site Waste Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan; and
- l. estimated types and quantities of waste to arise from the construction and waste management actions for each waste type based upon the aim to reduce the amount of waste produced on site.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and to promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

### **CEMP Biodiversity**

- 4) No development shall take place (including ground works or 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 include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "buffer zones" both for species and sensitive habitats to be informed by up to date surveys.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, may include 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 ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

### Archaeology

- 5) No development (excluding site clearance and demolition) shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.

The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Provision to be made for public engagement and interpretation
8. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and provision made for analysis and publication where appropriate.

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

### **Tree protection**

- 6) No development shall commence until a detailed scheme for the protection of existing trees and hedges to be retained in accordance with the general measures set out in the submitted Arboricultural Method Statement (by Merewood dated 101/07/2025), and an accompanying programme for implementation of the scheme, have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the details as approved and in accordance with the agreed programme. Any tree or hedge removal shall be limited to that specifically to be approved.

No building materials shall be stored or mixed within 10 metres of a tree or hedge. No fires shall be lit where the flames could extend to within 5 metres of retained foliage, and no notices shall be attached to any trees.

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

### **Landscape details**

- 7) The landscape details to be submitted as reserved matters shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained;
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed; and
  - d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

### **Flood Risk and Surface Water Drainage**

- 8) Prior to or in conjunction with the submission of reserved matters, in accordance with the submitted FRA and Drainage Strategy (JE/CC/P25-3473/01), or an alternative strategy to be submitted to and approved by the Local Planning Authority, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation for each phase of the development. The scheme shall address the following matters:
- I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features, as stated within the FRA and Drainage Strategy.
  - II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including

the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

- III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the: a. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site. b. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- IV. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge. This is to include detailed Hertfordshire County Council information on how road runoff will be treated prior to reaching the deep bore soakaways.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

## **Energy and Sustainability Statement**

- 9) Notwithstanding the submitted Energy and Sustainability Statement, prior to or concurrently with the application for reserved matters an Energy and Sustainability Statement shall be submitted to the Local Planning Authority for approval in line with the nine themes of the Sustainability SPD. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation and thereafter retained.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with the Sustainability SPD 2024 and North Hertfordshire Local Plan Policies SP9 and D1.

## **Offsite Works and Access –**

Design Approval

- 10) Notwithstanding the details indicated on the submitted drawings, no dwellings shall be occupied until a detailed scheme for the offsite highway improvement works to widen Cowards Lane and install a new footway, as indicated on drawing number

8549 CLC-RGP-XX-XX-DR-T-007 Rev 02 dated 11th September 2025, and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

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

### **Cycle parking**

- 11) No dwelling shall be occupied until a scheme setting out details of cycle parking has been submitted to and been approved in writing by the local planning authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of each corresponding dwelling and shall be maintained and retained thereafter

Reason: To ensure that provision is made for cycle parking and in accordance with Policy T2 of the North Hertfordshire Local Plan.

### **Ecology – lighting**

- 12) Prior to the installation of any lighting, a lighting design strategy for biodiversity for the site, shall be submitted to and approved in writing by the local planning authority. The strategy shall;
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and:
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the development is ecologically sensitive in accordance with North Hertfordshire Local Plan Policy NE4.

### **Ecological Enhancement Plan**

- 13) No development above slab level shall take place until an Ecological Enhancement Plan (EEP) for the site, for the creation of new wildlife features including integrated bird/bat and bee boxes in buildings/structures, where heights allow swift bricks should be used, together with hedgehog holes in boundary features has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with approved the EEP and features thereafter retained. The approved measures shall be implemented prior to occupation of the relevant phase.

Reason: To ensure development is ecologically sensitive and secures biodiversityenhancements in accordance with the North Hertfordshire Local Plan Policy NE4.

### **Rights of Way**

Design Approval

- 14) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

Implementation / Construction

- 15) Prior to the final occupation/use of the development hereby permitted the on-site Rights of Way improvement plan works (including any associated highway works) required by condition 14 shall be completed to the written satisfaction of the Local Planning Authority. Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Noise**

- 16) Prior to the commencement of works above slab level a scheme shall be submitted for the protection of the dwellings from noise for approval in writing by the Local Planning Authority. Such recommendations shall be provided in accordance with the approved details prior to the first occupation of each corresponding dwelling. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure an acceptable noise environment in the interests of residential amenity and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

### **Contamination**

- 17) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:
- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
  - A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
  - A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.

• A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

- 18) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority detailing how contamination will be dealt with. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. Prior to occupation of each phase, a verification report shall be submitted to and approved in writing by the local planning authority.

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

### **Flood risk and drainage**

- 19) The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation;
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and,
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

- 20) Prior to occupation of the relevant phase a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus

photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

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

### **Fire Hydrants**

- 21) Prior to the commencement of any roads (excluding the construction access), details of a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The provision and installation of fire hydrants shall be at no cost to Hertfordshire County Council or the Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies in the event of an emergency in accordance with North Hertfordshire Local Plan Policies SP1 and SP7.

### **Proactive Statement**

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

### **Informatives**

#### **Thames Water**

“A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

## **Hertfordshire Constabulary**

Prior to construction the applicant should contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. This is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations.

## **HCC as Highway Authority recommends inclusion of the following Advisory Note**

(AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and

specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Roads to remain private: The applicant is advised that all new roads\* / the access routes marked on the submitted plans \* / the access routes [describe\*] [\*delete as appropriate] associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN9) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

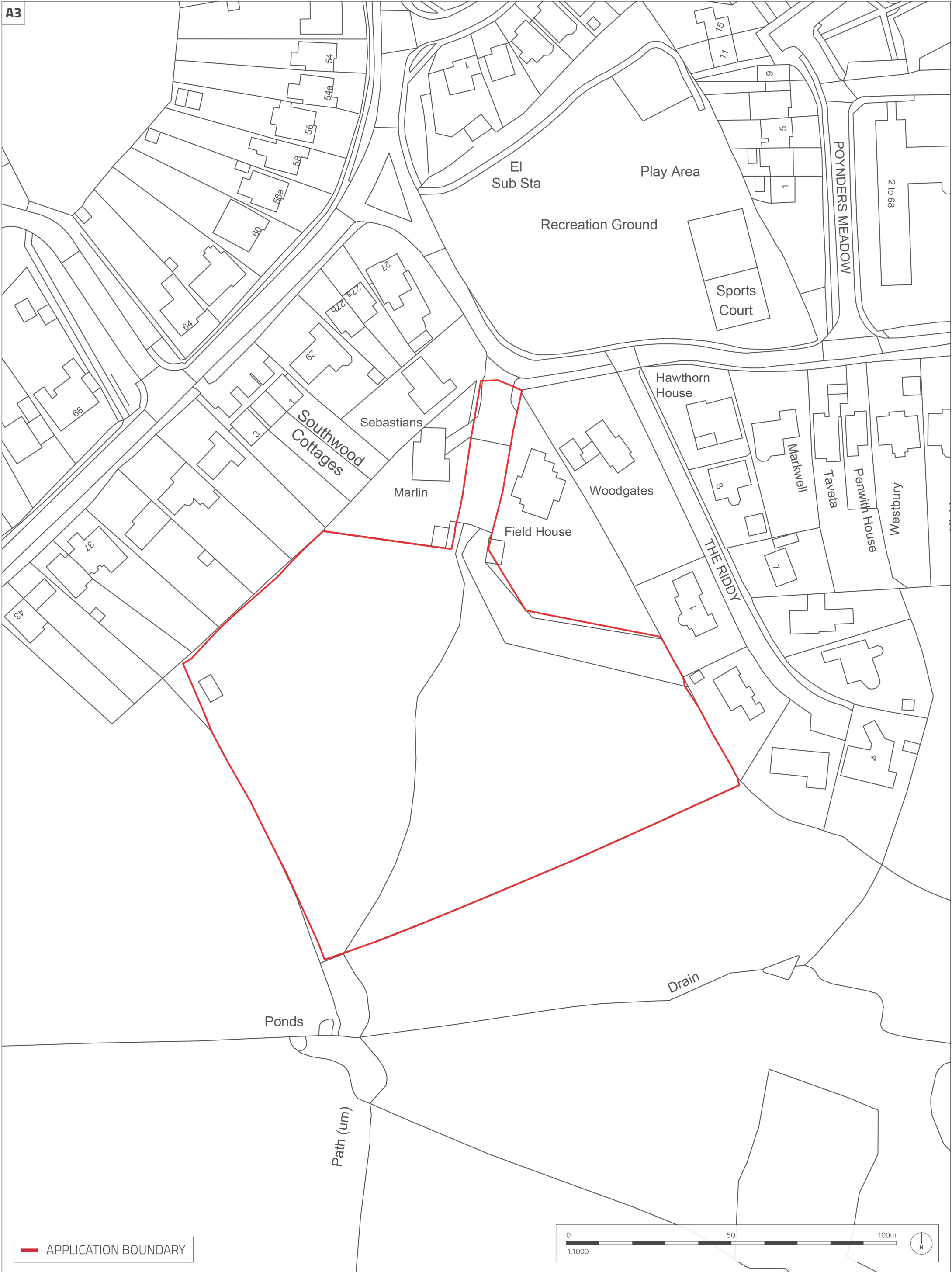
AN10) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047. This should be carried out prior to any new apparatus is placed within the highway.

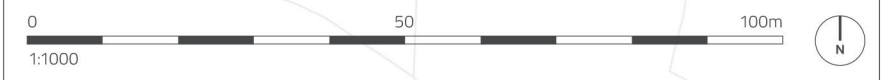
AN11) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website

[www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN12) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)



— APPLICATION BOUNDARY



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Rev	Description	Date	Au
-	Issue for Planning	10.07.25	MB

<b>Project</b>	Cowards Lane, Codicote	<b>Dwg no.</b>	SLP-01
<b>Drawing</b>	Site Location Plan - 01	<b>Scale</b>	1:1000 @ A3
<b>Client</b>	Hawridge Strategic Land	<b>Rev.</b>	-
<b>Job no.</b>	HAWR.250206	<b>Author</b>	MB
<b>Date</b>	10.07.25		



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<u>Location:</u>	<b>Reed House Jacksons Lane Reed Royston Hertfordshire SG8 8AB</b>
<u>Applicant:</u>	<b>David &amp; Sally Tait</b>
<u>Proposal:</u>	<b>Erection of 14 dwellings and associated infrastructure. (Amended plans received 22/12/25 and 13/05/26).</b>
<u>Ref. No:</u>	25/00886/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 19th September 2025

**Extension of statutory period:** 30<sup>th</sup> June 2026.

**Reason for Delay:** Negotiations, awaiting consultation responses and in order to present the application to an available committee meeting.

**Reason for Referral to Committee:** Residential development on a site in excess of 0.5 hectares (see paragraph 8.4.5 (a) of the Council Constitution)

## 1.0 **Planning Policy**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy HS3: Housing mix

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy NE1: Landscape

Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and geological sites  
Policy NE7: Reducing Flood Risk  
Policy NE8: Sustainable Drainage Systems  
Policy NE10: Water Framework Directive and wastewater infrastructure  
Policy HE1: Designated Heritage Assets  
Policy HE4: Archaeology

National Planning Policy Framework (NPPF) (December 2024)

Section 2: Achieving sustainable development  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Sustainability SPD (2024)

Reed Neighbourhood Plan

There is no Made Neighbourhood Plan for the Parish of Reed.

2.0 **Relevant site history**

- 2.1 93/00961/1 Change of use of agricultural land to garden within the curtilage of existing dwelling house – granted permission on 14<sup>th</sup> October 1993
- 2.2 04/01397/1: Outline application for the erection of 24 detached and terraced dwellings with garaging, open space, estate road and formation of vehicular accesses onto Jackson’s Lane and The Joint (Design, external appearance and landscaping reserved). Refused on 30<sup>th</sup> September 2004.  
Dismissed on appeal 27<sup>th</sup> April 2005.
- 2.3 11/02254/1: Erection of 13 dwellings (outline application - appearance, landscaping and scale reserved). Refused 25.11.2011  
Dismissed on appeal 22<sup>nd</sup> August 2012.
- 2.4 13/01999/1: Erection of 13 dwellings and a business / I.T building (outline application - appearance, landscaping and scale reserved) Refused 28<sup>th</sup> March 2014.  
Dismissed on appeal 4<sup>th</sup> March 2015

- 2.5 15/02724/1: Erection of 14 dwellings and associated infrastructure. Refused 22<sup>nd</sup> February 2016.  
Dismissed on appeal 3<sup>rd</sup> August 2016.

Adjacent site history

- 2.6 Mill Corner Farm lies immediately adjacent to part of the western boundary of the site. Relevant planning history for this site includes the following:
- 2.7 20/01605/PIP: Permission in Principle: Erection of seven dwellings. Refused 18<sup>th</sup> September 2020.  
Dismissed on appeal 17<sup>th</sup> February 2021

3.0 **Representations**

- 3.1 **HCC Lead Local Flood Authority:** – no objection subject to conditions.
- 3.2 **HCC Highways** – no objection subject to conditions.
- 3.3 **HCC Archaeology** – no objection subject to archaeological conditions.
- 3.4 **HCC Ecology officer** - no objection subject to conditions and informatives.
- 3.5 **HCC Footpaths and Rights of Way unit** – Advises that footpath 013 must not be obstructed during development and if necessary a temporary closure order sought from HCC.
- 3.6 **HCC Growth & Infrastructure** : Advises that HCC will be seeking financial contributions to relevant HCC services (see paragraph on S106 obligations below).
- 3.7 **NHDC Conservation Officer** – Advises an objection on the basis that the proposal will fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.
- 3.8 Following the publication of the committee report for the Planning Control Committee meeting on 20/11/25, the applicant submitted a Heritage Rebuttal Statement. The Conservation Officer has reviewed this and provided a response stating that he still supports his original objection to the application, which provides one of the reasons for refusal of this application as set out below.
- 3.9 **NHDC Environmental Health** – no objection subject to conditions.
- 3.10 **NHDC Housing Officer** – Advises that the proposed affordable housing should be distributed around the site (rather than on one part) and physically indistinguishable from any market housing. Internal layout not suited to homeworking. To meet the Council's housing needs all the rented units must be set at Social Rents to ensure affordability and all rents must be within Local Housing Allowance (LHA) rates, in accordance with the Local Plan, the Council's Tenancy Strategy and the Developer Contributions SPD. The Reed 2008 Housing Needs Survey identifies that there is a need for 5 x 2-bed homes for

social rent. The application is offering 5 homes comprising 4 x 2-bed and 1 x 1-bed which are all bungalows.

- 3.11 **Natural England** – Advises no objection subject to appropriate mitigation being secured to manage the recreational pressure on Therfield Heath Site of Special Scientific Interest (SSSI)
- 3.12 **Conservators of Therfield Heath and Greens** – Requests a financial contribution towards management measures to mitigate visitor impact on Therfield Heath SSSI.
- 3.13 **Reed Parish Council** : Objection – raising the following detailed points

1. Housing growth in Reed:

Reed has already experienced a 10.5% increase in dwellings since 2011. It is foreseen that a further 22 dwellings will be built on allocated site RD1. If this proposal were allowed additionally, it would amount to a 25% increase on 2025 numbers, which would be unsustainable and incompatible with the Local Plan.

2. The RD1 allocated site:

The application site is not an allocated site in the adopted Local Plan. Reed already has an allocated Local Plan site, RD1, which provides for up to 22 dwellings (including affordable housing). Combined with existing growth since 2011, further housing on the application site, which is outside the SP2 settlement boundary, would be unsustainable expansion.

3. The Settlement Boundary, Heritage and Character of Reed:

The proposed development would be outside the SP2 settlement boundary, contrary to the Local Plan and NPPF, and not spatially integrated with the rest of Reed. This would cause significant harm to Reed's historically evolved and distinctive settlement pattern. This is a heritage asset that the SP2 settlement boundary and the conservation area are designed to preserve. Its location would also set a precedent, giving rise to irreparable harm to the settlement pattern that the Local Plan and NPPF seek to protect.

4. The Local Plan and Prematurity:

The Local Plan remains current and material. The present application pre-empts the ongoing Local Plan review. The application should therefore be rejected as premature. The Local Plan remains in effect, and full weight should be given to the policies adopted under it, including SP2.

5. Impact on the landscape and countryside:

The proposal would adversely affect the landscape setting of Reed, in particular the open character of the Chiltern Ridge.

6. Traffic and Highways issues:

The development would increase traffic and highway safety risks on The Joint, a narrow, de-restricted, unclassified road that is already in poor condition.

7. Five-year Housing Supply:

The District's housing supply deficit does not justify inappropriate development outside the settlement boundary. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

8. Provision of Affordable Housing:

The affordable housing offered is unclear in quantum and would in any event be delivered by the allocated RD1 site within the Reed SP2 settlement boundary.

9. "Brownfield" status:

The previously developed, "brownfield" designation of the site is technically arguable but materially misleading.

- 3.14 The application has been advertised with site and press notices and neighbour notification letters. 26 responses have been received (with 25 objecting and 1 supporting) in response to the publication of the application. The details are published on the Council's web site.

Comments against the proposal include:

1. Proposed development is outside of the village boundary contrary to the Local Plan
2. Already a significant increase in housing in Reed
3. Contrary to the rural character of the village.
4. Scale, density and suburban style disproportionate to the character of Reed
5. Adverse impact on heritage assets
6. Would set a precedent for more development in the village area
7. Detrimental to highway safety
8. Would not integrate well with the village
9. Lack of sustainable transport
10. Lack of local infrastructure to support the development
11. Cycle path would spoil the setting of the village pond
12. Would increase flood risk
13. Environmental and biodiversity harm
14. No change in circumstances since previous refused applications / appeals
15. Light pollution
16. Planning statement contains incorrect information and factual errors

Comments in support:

1. The five affordable dwellings are much needed. Young people are prevented from living in the parish where they work by the prohibitive cost and lack of starter homes

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site occupies a position on the northern edge of the village and to the south of a country lane called The Joint on land outside of the Reed settlement boundary.

- 4.1.2 Reed House is a large detached dwelling located on the north side of Jackson's Lane and set in extensive grounds of 1.6ha, the majority of which is located to the rear towards The Joint and comprise former agricultural land now within the residential curtilage and principally laid to grass with a gated access onto The Joint.
- 4.1.3 The boundaries of the application site are clearly defined with established hedges and trees beyond which to the north, east and west is open space and farm land.
- 4.1.4 The Reed Conservation Area extends to include the application property and its immediate curtilage and other properties in Jackson's Lane and Crow Lane. The part of the site comprising the location of the houses is to the rear of Reed House, lies outside of the Conservation Area.

## 4.2 Proposal

- 4.2.1 This is a full application for the residential development of the site with 14 dwellings and associated infrastructure.
- 4.2.2 The details of the proposals, as set out in the supporting planning statement, are as follows:

Accommodation schedule

Dwelling	Beds	Storey height	Parking
Plot 1 House	4	2	2 + garage
Plot 2 House	3	2	2 + garage
Plot 3 House	4	2	2 + garage
Plot 4 House	4	2	2 + garage
Plot 5 House	4	2	2 + garage
Plot 6 House	4	2	2 + garage
Plot 7 House	4	2	2 + garage
Plot 8 House	4	2	2 + garage
Plot 9 House	3	2	2 + garage
Plot 10 Bungalow	2	1	2
Plot 11 Bungalow	2	1	2
Plot 12 Bungalow	1	1	2
Plot 13 Bungalow	2	1	2

Plot 14 Bungalow	2	1	2
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- 4.2.3 The vehicular access into the site would be from The Joint to the north of the site, whilst pedestrian and cycle access would be provided by a dedicated access from Jackson's Lane to the south.
- 4.2.4 The dwellings would be sited around a central amenity area with a circular internal access road. Existing boundary planting would be retained. The central amenity area would contain an attenuation pond / SuDS area as part of the overall drainage strategy.
- 4.2.5 A visitor parking and hardstanding area is proposed in the south west corner of the site. The site falls from north to south and a drainage pond is also proposed in the south east corner of the site adjacent the village pond on Jackson's Lane.
- 4.2.6 The proposed dwellings would adopt a traditional architectural approach with the use of hipped and gable roofs, projecting gables, chimneys, brick plinths and section of weatherboarding. External materials would include clay tiles, render and soft red brickwork and aluminium and timber doors and windows. The main access road would be tarmac with permeable block paving for driveways. The footpath connection to Jackson's Lane would be tarmac.
- 4.2.7 The affordable housing content of the scheme (5 units) would equate to almost 36% of the total number of dwellings.
- 4.2.8 In addition to detailed drawings, the following documents have been submitted in support of the application:
1. Planning Statement
  2. Design and access statement
  3. Heritage statement and Heritage Rebuttal Statement.
  4. Arboricultural survey
  5. Energy statement
  6. Flood Risk and Surface Water Assessment
  7. Arboricultural Impact Assessment
  8. Preliminary Ecological Appraisal
  9. BNG Net Gain Assessment
  10. Contamination Assessment
- 4.2.9 Key points as presented by the applicants include:
1. The proposal reflects a well-designed, spacious and sympathetic design, in keeping with the character of Reed
  2. Housing mix that is in accordance with Local Plan policy
  3. Maintenance of existing boundaries and vegetation and the integration of the scheme with existing landscaping.
  4. A public cycle/footpath is proposed to connect the site via a route through Reed House, which will be a safe and secure link directly to Jackson's Lane to provide

access into the village, easy access to the school, thus avoiding any further parking congestion and ensure a socially integrated development.

5. The deficit of habitat will be offset by the purchase of habitat units off site.
6. Vehicular access off The Joint to provide suitable radii and visibility
7. Provision of a cycleway / footpath connecting the site with the village.
8. The design of the dwellings will be in accordance with the relevant Building Regulations Part M1 (1 and 2), providing 50% of the dwellings being M4(2).
9. Adoption of sustainable construction standards to maximise energy efficiency and carbon reduction throughout the scheme
10. Adequate access for emergency and service vehicles

### 4.3 Key Issues

4.3.1 The main issues in the determination of this application are as follows:

- Principle of development
- Sustainability / location
- Landscape and Urban design
- Impact on the historic environment
- Highway matters
- Ecology
- Flooding and Drainage strategy
- Planning Obligations
- Planning Balance and conclusions

#### 4.3.2 Principle of the development

4.3.3 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF applications for planning permission must be determined in accordance with the development plan unless material considerations indicates otherwise. For the purposes of this application the Development Plan includes the North Herts Local Plan 2011 – 2031 which is the starting point for decision making for this proposal.

4.3.4 The proposal for 14 dwellings would represent a contextually large-scale scheme beyond the settlement limit of the village and be located in an area north of the village boundary characterised by its sylvan and undeveloped rural character. The site is not an allocated housing site in the Local Plan and therefore the scale and location of the development conflicts with LP policies SP2, SP5 and CGB1. Furthermore, the development does not meet any of the exception criteria set out in policy CGB1.

4.3.5 The proposed development would therefore be contrary to the development plan due to conflict with LP policies SP2, SP5 and CGB1. Taken together these policies guide the location of sustainable development.

- 4.3.6 It is necessary to consider whether other material considerations indicate that the development plan should be outweighed by other factors. Whilst the site forms part of a large garden to Reed House. Whilst a residential curtilage is not a land-use, as such, and can form a smaller area of land than the extent of a large residential garden, in granting planning permission in 1993 the Council removed permitted development rights for the extended residential garden and therefore the application site can be considered as residential curtilage and consequently falls within the definition of previously developed land in the NPPF Annex 2: Glossary. However, this states that even where sites are within the curtilage of developed land *“it should not be assumed that the whole of the curtilage should be developed”*. Indeed, in granting planning permission in 1993 for the change of use from agriculture to residential garden, the Council sought to restrict permitted development rights for outbuildings.
- 4.3.7 North Herts District Council does not have a 5-year supply of deliverable housing land with current estimates placing this as a 2.6 year provision. As a result, the Council’s policies governing the supply of housing are out of date and following the process set out at paragraph 11 of the Framework, development should be permitted unless the application of policies of the Framework that protect areas or assets of particular importance provide a strong reason for refusal or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Given this prescribed exercise (known as the tilted balance) it is therefore necessary to consider the impacts of the development as a whole before concluding on the principle of development, and this exercise will be undertaken below in this report.
- 4.3.8 Sustainability / location
- 4.3.9 The issue of the unsustainable location of the site and development of it relying on private transport has been assessed by all of the previous appeal inspectors (see planning history above) who all concluded that residential development on the site would conflict with the aims of NPPF of promoting sustainable development generally and sustainable transport in particular.
- 4.3.10 The site is not accompanied by a Transport Statement and there is in only fleeting mention of the local bus service in the Design and Access statement (*‘The nearest bus stop is 350m west of the site’* (Page 10)) The submitted Planning statement refers briefly to the village being served by the No. 18 bus four times a day (Monday to Saturday) and the availability of the HertsLynx on-demand bus service.
- 4.3.11 Despite its classification as a Category ‘A’ village in the local plan Reed is a rural village with few services or facilities. Facilities include a village hall, first school (children on roll 68), a playground and a café on the A10. The village also includes a church (Church of St. Mary). The No. 18 bus runs between Royston and Buntingford stopping at Reed four times a day (no Sunday service). Other than the school there are very few employment opportunities in the village.

- 4.3.12 The village is not part of a cycle network and many of the rural lanes around the village are unlit with no footpaths (e.g. The Joint where the main vehicular access is proposed). The A10 is a busy road with fast moving traffic including commercial vehicles and is unlikely to be attractive to cyclists or pedestrians using the single footpath. The primary mode of transport into and out of the village is by the private car and this is likely to remain the case with the proposed development.
- 4.3.13 The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.3.14 The development would support the First school to some extent however this would only attract limited weight. Essentially in view of the limited range of services and facilities and sustainable travel options it is likely that the proposed development would result in significant reliance on private vehicle usage. NPPF Paragraph 110 confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. Each application is therefore considered on its own merits.
- 4.3.15 Despite these concerns, given Reed is classed as a Category A village in the Local Plan where Policy SP2 states that general development will be allowed within the defined settlement boundaries of Category A villages, the application is not being recommended for refusal on the basis that Reed is not a sustainable location for development in principle. However, there remains conflict with Local Plan policies concerning the location of development outside the settlement boundary of Reed. The weight given to this conflict is affected by whether the tilted balance of NPPF 11(d) applies. This matter is considered later. The countryside is not protected for its own sake but and NPPF paragraph 187 stipulates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, amongst other things.
- 4.3.16 Landscape impact / urban design considerations
- 4.3.17 LP policies SP9 and D1 requires new development to be well designed and located and to respond positively to its local context. The Framework also requires at paragraph 135 for new development to:
- function well and add to the overall quality of the area
  - be visually attractive as a result of good architecture, layout and landscaping and;
  - be sympathetic to local character
- 4.3.18 The application site is prominent in the surrounding area and visible from The Joint (again where vehicular access is proposed) the adjacent public footpath Reed 013 and Bridleway Reed 001 opposite to the north. The site is also visible from the surrounding neighbouring properties most notably Mill Corner Farm and the residential properties that back on to it to the south. A key characteristic of this part of the village is its openness and lack of suburban forms of development.

4.3.19 The proposed layout will have a form and spatial impact usually associated with suburban development and its typical format of set building styles, regimented plot layouts, contrived architectural quality and pastiche detailing and being car dominated with excessive amounts of hardstanding. Furthermore, the development is inward looking and effectively turns its back on the village failing to integrate with the settlement to any meaningful degree this being emphasised by site access off The Joint. The provision of a cycleway / footpath connection to Jackson's Lane provides some degree of assimilation with the village however it cannot overcome the fundamental weaknesses of the scheme as identified above.

4.3.20 The submitted scheme aims at retaining practically all of the existing boundary planting. However, it is queried whether the tall conifer screening with The Joint in particular would be retained in the medium to long term given the north facing aspect of the gardens backing onto this boundary and the consequent pressure by future residents to remove these tall trees. Any removal of the northern boundary vegetation would further open up the development to the wider landscape and serve to have a detrimental impact upon the rural character of the area. The character of The Joint is that of a country lane and is not characterised by housing developments of the kind proposed (including its wide entrance road and bell mouth access).

4.3.21 The development would not be representative of the linear and distinctive rural character of the village and therefore would not preserve the form and character of the settlement in my view. In short, the proposals will fail to function well and add to the overall quality of an area as required by the Framework, failing also to comply with LP policies SP9 and D1.

#### 4.3.22 Impact on the historic environment

4.3.23 The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

4.3.24 The Reed Conservation Area Character Statement describes the Reed Conservation Area as:

*'...characterised by extensive tracts of agricultural land with a low density of historic and modern buildings fronting the country lanes. Accordingly, the character of Reed Conservation Area is highly rural with a strong countryside setting'*

*'The key character of Reed Conservation Area is its openness. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes, often with an abundance of space in between properties'*

4.3.25 The Council's Senior Conservation Officer comments on the admission in the submitted Heritage statement that:

- The character of the Conservation Area is distinctively rural,
- The rural setting of Reed Conservation Area provides both historical context and a sense of place to the settlement.

- The rural backdrop emphasises the traditional character of the village and informs its significance and the ability to appreciate said significance to a moderate to high degree.
- The key elements of the setting of the Conservation Area relate to the agricultural nature of its countryside location.
- The study site is an open space and that open space provides a great contribution to the significance of Reed Conservation Area and indeed, the Character Statement aptly summarises this by highlighting that 'The key character of Reed Conservation Area is its openness'.

4.3.26 The Senior Conservation officer observes that:

*'Even if the view is taken that the land immediately to the rear of Reed House is private garden and therefore does not contribute to the significance of the RCA, the garden remains 'private open space' which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson's Lane and Crow Lane, thus maintaining the character and appearance of the RCA.'*

The Senior Conservation Officer also advises that:

*'Far from being 'isolated', the application site shares similar characteristics to other land parcels south of The Joint with an overwhelming sense of rurality whether that is due to private gardens, paddock/grazing land or areas of countryside that extend up to the road. If successful, there is a clear concern that this development may set an unwelcome precedent for development nearby'.*

4.3.27 In summary, the Council's Senior Conservation Officer considers that although outside of the Reed Conservation Area (RCA), the development will have a moderately erosive impact upon the significance of the RCA as a result of development within its setting failing to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.3.28 Taking into account the comments above, I consider that there would be harm to the setting and the significance of the Reed Conservation Area (RCA). The degree of harm would be moderate on the less than substantial harm continuum. NPPF Paragraph 215 advises that where there would be less than substantial harm to the significance of a heritage asset this should be weighed against the public benefits of the proposals and this exercise is carried out in the planning balance below.

4.3.29 Highway matters

4.3.30 The Highway Authority initially raised objection to the application, on the basis that the site is in an unsustainable location, concerns regarding the general accessibility of the surrounding lanes for cyclist and pedestrians and concerns regarding the access geometry. However, following the submission of the revised Transport Statement dated November 2025 and a meeting with the applicant, the Highways Authority now recommend no objection to the application subject to two conditions and is not seeking a sustainable transport S106 contribution. On this basis no objection no objection is

raised on highways grounds and the proposal is considered to be in accordance with LP Policy T1 and the development management policies in the Hertfordshire Transport Plan (LTP4) and Hertfordshire County Council’s Place & Movement Planning Design Guidance (March 2024). This matter is attributed neutral weight in the planning balance.

4.3.31 Ecology

4.3.32 The site is not identified as a Site of Scientific Interest (SSSI), does not contain any non-statutory designations nor has it any other wildlife designation in the local plan. A Preliminary Ecological Assessment submitted with this application found no protected species within the site and states that the site should be considered of ‘local value’ for its biodiversity. Various recommendations are made including mitigation measures for birds, bats and hedgehogs and other small mammals.

4.3.33 The submitted BNG Assessment concludes that there would be a net loss of habitat units of -26.40% and a net gain in hedgerow on site of 21.66% requiring the purchase of offsite habitat units. In the event that planning permission is granted the standard bio-diversity net gain planning condition would be required. However, the non-compliance of a 10% BNG net gain at this stage cannot be used as a reason for refusal. In the absence of a BNG condition there is a conflict with LP Policy NE4 in terms of loss of biodiversity, and moderate weight should be given to this in the planning balance, although this would fall away with a BNG condition.

4.3.34 Flooding and drainage strategy

4.3.35 The site is located within Flood Risk Zone 1 where there is the lowest risk of fluvial flooding. Furthermore, the Environment Agency mapping does not highlight any potential risk of Surface Water flooding. The application is supported by a site-specific flood risk assessment and drainage strategy. The Flood Risk summary set out in the report is as follows:

Type of Flooding	Existing Risk Category	Proposed Risk Category
Fluvial flooding	Very Low Risk	Very Low Risk
Surface Water flooding	Very Low Risk	Very Low Risk
Groundwater flooding	Very Low Risk	Very Low Risk
Reservoir flooding	Very Low Risk	Very Low Risk
Artificial Flooding	Very Low Risk	Very Low Risk

**Table 2 – Flood Risk Summary from all sources before and after development**

4.3.36 Given the underlying clay on the site and following an intrusive ground investigation, the report advises that infiltration drainage, as the preferred method of drainage, would not be practical on this site. The report concludes that the strategy would comprise stormwater drainage to a watercourse to the south and use of SuDS (via permeable paving, detention basins and swales). The SuDS features will be maintained and managed by a private management company.

4.3.37 The Lead Local Flood Authority raise no objection to the application subject to conditions, and the application is considered to comply with the aims of Local Plan Policies NE7 and NE8.

4.3.38 Planning Obligations

4.3.39 North Herts Council has adopted a Planning Obligations Supplementary Planning Document and Hertfordshire County Council has adopted a Guide to Developer Infrastructure Contributions (July 2021). Neither authority has a CIL charging schedule. Both documents identify the planning obligations that will be sought for development that generates a need for new infrastructure and these are a material consideration in planning applications.

4.3.40 Both the District Council and HCC are mindful of the tests for S106 legal agreements that are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that any planning obligations must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Any requests that do not meet the above tests will not be actively sought by the Council or HCC.

4.3.41 The applicant has identified in the submitted Planning Statement that affordable housing, an active travel contribution and a Bio-diversity Net Gain contribution may be required but acknowledged that further contributions may be required following the completion of consultations and then the appropriate S106 Agreement submitted to the Council. The District Council has provided a list of Heads of Terms to the applicants (see below) and this has been updated to take account of Reed Parish Council requests for contributions to capacity improvements at the village hall and a new information board:

<b>Element</b>	<b>Detail</b>	<b>Justification</b>
Secondary school education (HCC)	Contribution towards the expansion of King James Academy Secondary School and/or provision serving the development (£193,915 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Childcare Contribution (HCC)	Contribution towards increasing the capacity of 0-2 year old childcare facilities at Little Acorn Nursery and/or provision serving the	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit

	development (£1,102 index linked to BCIS 1Q2024)	
Childcare Contribution (HCC)	Contribution towards increasing the capacity of 5-11 year old childcare facilities at Reed First and/or provision serving the development (£209 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Special Educational Needs and Disabilities (SEND) Contribution (HCC)	Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£27,285 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Library Service (HCC)	Contribution towards increasing the capacity of Royston Library. and/or provision serving the development (£4,060 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Youth Service (HCC)	Contribution towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development (£3,036 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Waste Service Transfer Station (HCC)	Contribution towards the new Northern Transfer Station and/or provision serving the development (£4,064 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit

Hertfordshire Fire and Rescue Service (HCC)	Contribution towards expansion or relocation of Royston fire station and/or provision serving the development (£6,009 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Sustainable Transport / Highway contributions (HCC)	Not requested.	
Herts County Council Monitoring fees (HCC)	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Affordable Housing (NHC)	On site provision of 5 affordable dwellings. Tenure to be agreed	Local Plan Policies HS2 'Affordable Housing', SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022), Evidence with the Council's SHMA
Waste and Recycling (NHC)	Standard collection charge	Local Plan Policy SP7 and North Herts Council Planning Obligations SPD
Therfield Heath Mitigation Strategy (NHC/Conservators of Therfield Heath)	Contribution of £680.00 per dwelling (after indexation to Q1 2025)	Local Plan Policies SP7 and SP9 'Infrastructure requirements and developer contributions', Therfield Heath Mitigation Strategy (Nov 2022) and Developer Contributions SPD (pages 60/61)

District Council Monitoring Fees (NHC)	2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000.	Local Plan Policy SP7 and North Herts Council Planning Obligations SPD
Reed Parish Council	Kitchen refurbishment, Reed village hall £16,052.50	LP policy SP7
Reed Parish Council	Community Notice board £3007.13	LP policy SP7

4.3.42 At the time of writing this report the above Heads of Terms have not been agreed with the applicants and no draft S106 Agreement has been submitted to the Council. In the absence of an acceptable legal agreement to secure the above matters the development would be contrary to LP policy SP7 (Infrastructure requirements and developer contributions).

4.3.43 Planning Balance and Conclusions

4.3.44 The proposed development would conflict with several policies of the development plan. Notwithstanding this conflict, the planning policies governing the supply of housing are to be considered out of date. Development, according to Paragraph 11d) of the NPPF, should therefore be approved unless:

*“i. the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*

Footnote 7 identifies protected areas or assets of particular importance and this includes designated heritage assets, such as conservation areas.

4.3.45 Officers consider that the development would have fail to preserve or enhance the character or appearance of the Reed Conservation Area, a designated heritage asset, through development within its setting, and that the proposal would have a moderate level of harm on the less than substantial continuum to the heritage significance of this asset. The NPPF states that great weight should be given to a designated heritage asset’s conservation irrespective of whether the potential harm amounts to substantial

harm, total loss or less than substantial harm to its significance (paragraph 212). Where development proposals will lead to less than substantial harm to the significance of a designated heritage asset as in this case, NPPF paragraph 215 confirms that this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. Whilst the delivery of housing is a public benefit, there is a Local Plan housing allocation within Reed which will deliver additional housing that will contribute towards maintaining the vitality of the village. The proposal would make a moderate contribution to the District's housing land supply. In these circumstances, it is considered that the public benefits of the proposed development would not outweigh the identified harm to the conservation area and great weight should be given to this harm.

- 4.3.46 As a result, the tilted balance under the provisions of paragraph 11d) is disengaged because the policies in the NPPF that protect designated heritage assets provide a strong reason for refusing the development proposed.
- 4.3.47 It is still necessary to assess the benefits and harms of the proposal applying a neutral planning balance exercise. The provision of 14 dwellings would make a moderate contribution to the district-wide housing need and moderate weight is attributed to this in the light of the government's objective of significantly boosting the supply of housing, given the scale of the development and that there is the absence of a local need in addition to the allocated housing site (RD1). The proposed 5 affordable housing units would add to this benefit of housing delivery and should be afforded moderate weight. Whilst a number of local objections have pointed to the lack of local infrastructure, it is acknowledged that development in rural areas can help to boost the vitality of local communities and assist with the viability of maintaining and introducing local services and community facilities; these social and economic benefits are to be afforded moderate positive weight.
- 4.3.48 However, the proposed development would conflict with planning policies relating to the location of development within the countryside outside the settlement boundary for Reed within the rural area beyond the Green Belt. Moreover, whilst the proposal would only make moderate contribution to housing land supply, the scale of development would have a significant visual impact in this location. The incongruous suburban appearance and consequent adverse impact on the character of the village and immediate landscape is attributed substantial negative weight. Taken as a whole, therefore, the Local Planning Authority finds that the harm arising from the development would outweigh the benefits, and following the process as set out in section 38 (6) of the 2004 Act, material considerations do not indicate that the decision in this application should otherwise than in accordance with the policies of the adopted Local Plan.
- 4.3.49 The application of policies of the Framework protecting assets of particular importance represents a strong reason to refuse planning permission. The application is recommended for refusal on the basis of scale and location, urban design and landscape impact, harm to the heritage significance of the Reed Conservation Area and the lack of a Section 106 agreement to mitigate the impact of the development.
- 4.3.50 The applicants have indicated that they are willing to enter into a section 106 agreement securing planning obligations to meet various needs that would arise as detailed above. This process has been started by the Council however, given the issues with the development and the length of time the application has been submitted it is now in the

public interest to determine the application without completing a legal agreement. Whilst the lack of such an agreement must appear as a reason for refusal, it is one that can reasonably be expected to be overcome.

#### 4.3.51 **Alternative Options**

4.3.52 None applicable

### 5.0 **Legal Implications**

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

### 6.0 **Recommendation**

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

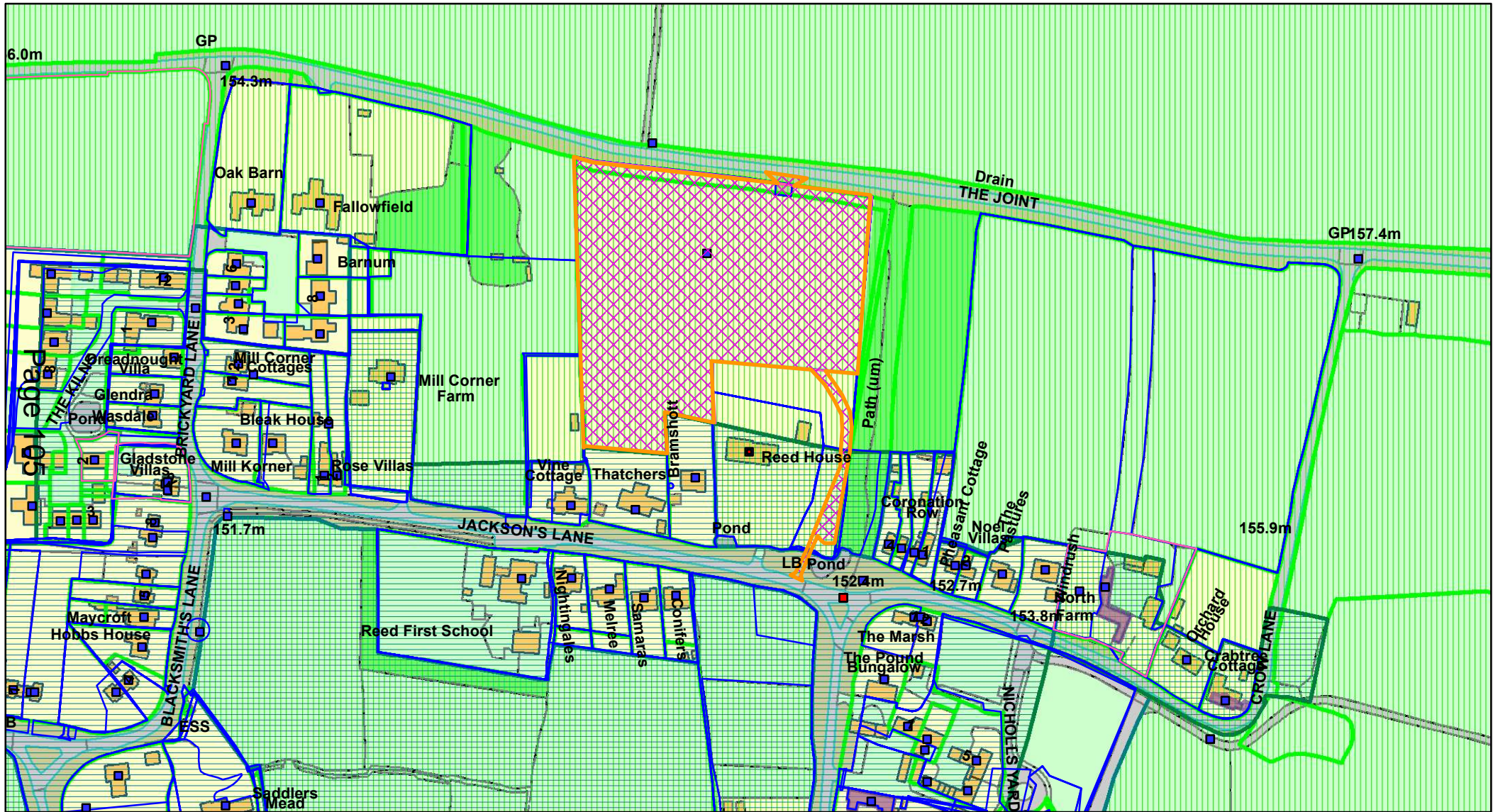
1. The site is not an allocated housing site within the adopted North Hertfordshire Local Plan and the area where the houses are proposed is outside of the category 'A' settlement boundary of Reed within the Rural Area beyond the Green Belt. The proposed development would detract from the open and rural character of the site and this, together with its inappropriate scale and urbanising effect, would have an adverse effect upon the character and appearance of the surrounding area. Therefore, the development would conflict with policies SP1, SP2, SP5, SP9, CGB1 and D1 of the North Hertfordshire Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.
2. The key character of Reed Conservation Area (RCA) is its openness and is identified as making a great contribution to the significance of RCA at 6.8 of the submitted Heritage Statement. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes with space between properties. The village is highly rural with a strong countryside setting. The development of 14 dwellings would appear significantly denser than the neighbouring plots on Jackson's Lane which comprise detached and semi-detached houses on large plots, generally with substantial spacing between. The application site does not form part of the agricultural setting to the RCA, however, this garden area is 'open space' adjacent to the RCA which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson's Lane and Crow Lane, thus maintaining the character and appearance of the RCA. By reason of layout and density together with the 'green', driveways, access road and other features, the development would create an overtly suburban environment alien to this undeveloped site detracting from the setting and impairing the significance of the RCA. The development would not be

sympathetic to local character and history, including the surrounding built environment (para 135c) or would make a positive contribution to local character and distinctiveness (para 210). The proposal fails to satisfy the aims of paragraph 135c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm is considered moderate on the less than substantial harm continuum and any perceived public benefits are such that these are not considered to outweigh the heritage harm.

3. In the absence of a completed S106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate its direct impacts and does not satisfy the requirements of Policy SP7 of the North Hertfordshire Local Plan 2011 to 2031. Therefore, the applicant has failed to demonstrate that the proposed development would not lead to an unacceptable burden on existing local infrastructure, contrary to the objectives of the National Planning Policy Framework and the Local Plan.

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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<u>Location:</u>	<b>Northway Filling Station Great North Road Hinworth Baldock Hertfordshire SG7 5EX</b>
<u>Applicant:</u>	.
<u>Proposal:</u>	<b>Temporary consent allowing for the erection of a detached food-to-go building (Greggs Pod) and other associated minor site alterations including the formation of vehicle parking for a period of two years (development already commenced)</b>
<u>Ref. No:</u>	25/02260/FP
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:** 8<sup>th</sup> April 2026

**Extension of statutory period:** Agreed – 30/06/2026 .

Following late submission from National Highways report was withdrawn from consideration by the Committee on March 12<sup>th</sup> this followed the submission of a revised ownership certificate as a possible owner of part of the site was not originally notified by the applicant. However, this was addressed and notice served by the applicant. Consequently, the statutory period re-commenced. However, the application site and the proposal remain unchanged and therefore re-consultation was unnecessary.

**Reason for Delay:** Consultation with National Highways and the LLFA. The submission of the revised ownership certificate restarted the statutory period and therefore there is no delay.

**Reason for Referral to Committee:** Following Parish Council Objections and neighbour objection Cllr Tom Tyson has called this in.

## **Policies**

### **National Planning Policy Framework**

Section 2: Achieving sustainable development

Section 4: Decision making

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

## **Supplementary Planning Document.**

Design SPD 2011

Sustainability SPD 2024

Vehicle Parking Provision at New Development SPD

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP4 Town Centres, Local Centres and Community Shops

Policy SP5 Countryside and Green Belt

Policy SP6: Sustainable Transport

Policy SP9: Design and Sustainability

Policy SP12 Green infrastructure, landscape and biodiversity

CGB1 Rural Areas beyond the Green Belt

CGB2b Community Facilities, Services and affordable housing in the Rural Areas

ETC3 New Retail, leisure and other main town centre development

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

NE 7 Reducing Flood Risk

### 2.0 **Site History**

2.1 **24/00444/FP** Redevelopment of the existing service station, including replacement of the existing filling station (use Class sui generis), construction of a drive thru coffee shop (use Class E), electric vehicle charging hub, car parking, and landscaping arrangements. **WITHDRAWN**

2.2 **25/00142/1ENF** Temporary Stop Notice for works commenced on site

### 3.0 **Representations**

#### **Statutory Consultees**

3.1 **Caldecote and Newnham Parish Council** - Parish Council would like to object to the Northways Filling Station Planning Application on the grounds of highway safety and harm to the amenity of the neighbours

3.2 **Herts Highways** – The Highway Authority previously provided comments on a similar application, and these remain applicable. As the site does not have access via a highway maintainable at public expense, we are unable to offer any further observations or recommendations. The responsibility for internal access and associated arrangements rests with National Highways and the applicant.

3.3 **National Highways – First comment 20 October 2025**  
recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons)

**The submitted Transport Statement (TS) states that the proposed development will not see a material change in trips compared to the existing site. However, it is noted that provision for 11 parking spaces is being made, implying an**

additional need. A trip generation exercise should be undertaken and submitted for approval. There is also concern regarding the layout of the proposed development. The layout as shown does not allow any user to use both the car park for the food pod, and the filling station in the same visit. The restricted widths and road markings only allow for one way movement and could lead to dangerous manoeuvres within the site, including reversing out of the filling station to travel up to the car park to the detriment those trying to come off the A1. The layout should be modified to address this safety concern.

**Second Comment 18 December 2025 - following additional information and layout plan amended –**

offer no objection (see reasons at Annex A);

**We are satisfied that the proposal would not materially affect the safety, reliability and/ or operation of the strategic road network.**

**Third Comment – Holding Objection 11 March 2026**

National Highways requests that the applicant provides a GG104 Safety Risk Assessment, with particular emphasis on the behavioural changes associated with vehicle movements around the forecourt. While National Highways continues to support the fundamental principles of the proposal, it is essential that we are satisfied that internal site interactions will not adversely impact the Strategic Road Network or vehicles waiting to join the on-slip.

The key areas requiring further assessment include:

- the interaction between HGVs exiting the refuelling area and cars turning left behind the fuelling station;
- swept paths for HGV movements on site, including use of the suite of fuel pumps;
- vehicle stacking capacity;
- the interface with the on-slip; and
- the behavioural changes introduced by the revised layout.

**Fourth comment – No Objection 13 May 2026**

*I can confirm that the request for a GG104 assessment in relation to the temporary site has now been withdrawn. However, in light of the concerns raised, please ensure these are given due consideration as the site progresses.*

*Should a permanent planning application be submitted, we would expect this risk to be clearly identified, with either a robust, site-specific mitigation strategy proposed, or appropriate evidence provided to demonstrate that no alternative solution is required.*

3.4 **Environment Agency** - *we have reviewed the information submitted and have no objection to the proposals nor any conditions to request*

3.5 **LLFA – First Comment**

We have concerns that the submitted information does not meet with NPPF, PPG or the LLFA Flood Risk Management Strategy policies and the proposal will either increase the risk of flooding elsewhere or to the proposed development. We provide the following technical review for your consideration. As this is a retrospective

application, it remains unclear whether the applicant has constructed over an ordinary watercourse. The site is located within an area identified as being affected by surface water flooding; however, it is not evident whether this represents a defined flow path or static ponding which the drainage scheme would have to account for. While fluvial flood modelling and mitigation measures may be sufficient, no supporting information has been provided to confirm this from the Environment Agency. Additionally, there is no evidence of attenuation features, watercourse treatment, or the inclusion of Sustainable Drainage Systems (SuDS) within the design. The submission also lacks details regarding the drainage system's capacity. Detailed drainage network calculation and its potential for multifunctional use.

**LLFA – Second comment – THIS REMAINS OUTSTANDING FOLLOWING DISCUSSIONS BETWEEN AGENT AND LLFA – see Recommendation 5.1A for resolution to grant subject to LLFA response.**

#### **Other Consultees**

3.6 **North Herts Ecologist** - No comments to make on the above

3.7 **Neighbour Representations**

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

#### **Northway House - (Planning Consultant representation)**

*Summary: first representation*

This application represents an intensification of use of this site. The existing conflicting access arrangements at the exit of this site pose a highways safety concern and this has not been adequately addressed with this application. Without any additional information and road safety analysis this application should be refused on the basis of a lack of information. We trust that Highways England will share our concerns with this application and that they have been consulted on this proposal.

*Summary: second representation*

In summary to our position, we believe that an intensification of the use of the exit from the service station will occur, the National Highways response to the previous application is still valid. A safety audit of the exit arrangements needs to be carried out in order to assess whether there is a danger to the existing users of the site and that of the residential property. To enable any intensification of use of this site, now or in the future, the existing exit arrangements need to be addressed. Also have queried land ownership.

*Summary: third representation*

The revised ownership certificate is a change in circumstance, and no increase or new planning applications should be permitted without a change of arrangement to the slip road. The significant risk of an accident should be taken as a priority and permission refused. The advice of Highways England that a neighbour access their property via the forecourt to the filling station shows the conflict that has arisen.

#### **Cotey's Restaurant, A1 South, Hinxworth, SG7 5EX,**

Comments have been made relating to extra competition that would arise and loss of business viability– (Officer response - these are not material planning considerations)

- Concerns have also been raised relating to the proposed changes to site layout and increased traffic which, may make it harder for customers to access local businesses, discouraging repeat visits.
- Increased traffic and confusing site entrances could create dangerous situations, making it less appealing for customers to visit nearby businesses. The development is for a popular food chain, this will increase traffic to this site, more than what currently do i.e. just use this for fuel, which is further compounding the negative impact.
- Adverse economic impact resulting in loss of jobs
- In the absence of a requested traffic survey, it is unclear whether the site accommodate can the additional traffic - raising additional safety concerns.
- Construction activities have already caused temporary power outages, which can disrupt business operations.
- The subject planning application was applied after the commencement of building work without the relevant permission, note previously applications were denied or withdrawn for the same site.

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is Northway Services consisting of a petrol filling station (PFS), linked kiosk store, pumps, canopy and hardstanding to the east of the PFS and forecourt. The proposal relates to existing hardstanding to the east of the Site.

4.1.2 The services serve southbound traffic on the A1. Informal parking areas are located at the northern and eastern elements of the Site. Separate vehicular and pedestrian access/exists are located to the north and south of the Site.

4.1.3 Neighbouring property Northway House is accessed via the current slip road out of the Northway Service Station.

##### 4.2 **Proposal**

4.2.1 Temporary planning permission is sought for the siting of a single-storey detached food-to-go building (E(a) - Display/Sale of goods other than hot food - Greggs Pod) with a gross internal floor space of approximately 66 sqm and other associated minor site alterations including the formation of vehicle parking for a period of two years.

4.2.2 No alteration to the existing vehicular and pedestrian access is proposed by way of the proposal.

4.2.3 The proposed building has already been commenced on site and is substantially in its finished form. It has a flat roof design. It is constructed from timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door proposed within the front elevation. External condenser units are also proposed to the rear elevation.

- 4.2.4 None of the landscaping or parking arrangements have been commenced on site. The application therefore considers the proposed addition of 11 parking spaces including DDA provision are to be provided (see Layout plan) including 2 EV charging points.
- 4.2.5 The application form has stated that additional 5 full time employees and the opening hours have been confirmed by the agent. The PFS is 24 hrs but the Greggs pod would be open from 05:30 until 20:00.

### **4.3 Key Issues**

4.3.1 The key issues are:

- Principle of development and Policy compliance
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

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

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

#### **The Rural Area beyond the Green Belt**

- 4.3.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3.4 Policy SP5: Countryside and Green Belt of the Local Plan operate a general policy of restraint in rural areas beyond the green belt through more detailed polices such as CGB1. The planning application for a temporary Greggs retail pod at a service station on the A1 as the site lies within the Rural Area Beyond the Green Belt. That designation carries a presumption against new development unless very specific criteria are met.
- 4.3.5 Development in the Rural Area Beyond the Green Belt is not ruled out and Policy CGB1 identifies specific forms of development that are permitted.
- 4.3.6 The proposed Greggs retail pod at the Northway service station is a commercial retail use. In planning terms, it would be assessed as:
- A new retail/food service, not agricultural or forestry.
  - Not inherently related to an existing rural building other than the petrol station
  - Not infilling a village centre.
  - Not providing outdoor recreation, sport or community facilities
- 4.3.7 Even if Policy CGB1 is engaged, consideration should be given to other parts of the Local Plan and national planning policies and guidance:
- Retail and economic policies (e.g., how proposals outside town/village centres impact retail hierarchy and town centres).

- Transport and access standards given the A1 context.
- Design and landscape impact,
- Flooding and sustainable development
- Temporary permissions: Local authorities can grant temporary consent where an otherwise unacceptable proposal is justified for a limited period on specific planning grounds.

4.3.8 As above the development does not comply with Policy CGB1, however, material considerations to be taken into account are as follows:

#### **Economic Growth**

4.3.9 The proposed retail pod would generate jobs, be a convenience for drivers given the existing use of the site and enhance the offer of the existing Filling Station for increase in local economic activity. Paragraphs 90-95 of the NPPF state that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors. Paragraph 88 of the NPPF (Section 6- Building a strong, competitive economy) addresses supporting a prosperous rural economy confirms that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, new buildings. Paragraph 89 encourages the use of previously developed land to meet local business needs which may be found beyond existing settlements.

Protecting a specific existing business from competition or loss of trade is a private interest and not a material consideration. However, protecting and enhancing, economic health of an area is a public interest and therefore a material consideration.

#### **Retail Impact**

4.3.10 Paragraph 94 of the NPPF states that an assessment of retail impact is necessary for proposals above 2,500 sq. m, that are not located within a Town Centre location, unless a locally set floorspace threshold indicates otherwise. Local Plan Policy ETC3 sets a local level threshold of 500 sq. m for an assessment of retail impact. The proposed unit is approximately 73.5 Sqm. Accordingly, an assessment of matters relating to retail impact is not required in support of the application.

4.3.11 The proposed development is therefore acceptable from a retail impact perspective and complies with Paragraph 94 of the NPPF, and Policy ETC3 of the Local Plan.

#### **Access and Highway Safety**

4.3.12 The Filling service station is located on the A1 and the proposal would utilise the existing access and egress. This is discussed further in the report.

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

4.3.13 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be

supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Sections 6 and 12 of the NPPF.

- 4.3.14 The development is located at the eastern side of the site on existing hardstanding. Views of the pod are generally limited to passing vehicles on the A1. The building has a flat roof design, and materials include timber cladding to the side elevations, and grey coloured render to the front and rear elevations. Windows and a door are to the front elevation. External condenser units are also proposed to the rear elevation. These materials and design are like the existing PFS and canopy which have a flat roof design and finished in modern materials. The unit to be occupied by Greggs assimilates well within its immediate context.
- 4.3.15 The proposed layout shows the existing entrance to the site is to be used by the PFS and the retail pod. A customer would enter the site and initially choose the PFS or drive onto the entrance to the rear of the site. Nine parking spaces and two EV charging spaces are provided. The EV and DDA spaces located at the front of the pod. There is sufficient turning area for the cars to reverse out of spaces and leave the site from the existing exit. Customers who use the PFS first would turn left to gain access to the pod parking area. New planting areas and retained trees and hedgerows are shown on the layout plan (23C). This plan also highlights signage to direct and inform customers of forecourt restrictions.
- 4.3.16 The development is therefore in accordance with Policies SP9 and D1 of the Local Plan and Sections 6 and 12 of the NPPF.

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

- 4.3.17 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards. Paragraph 88 of the NPPF (Section 6- Building a strong, competitive economy) addresses supporting a prosperous rural economy confirms that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, new buildings. Paragraph 89 encourages the use of previously developed land to meet local business needs which may be found beyond existing settlements.
- 4.3.18 Given the distances between the scheme and nearby dwelling house, the existing boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwelling.
- 4.3.19 The proposed additional retail use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

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

- 4.3.20 Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3.21 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements.

4.3.22 The proposal seeks to create a new internal layout and car parking area to facilitate the use of the pod. The proposed new road layout would direct vehicles to either the filling station or to the pod whilst allowing vehicles to move through the site to access the pod after using the filling station. It is proposed to increase the number of parking spaces on site with an additional 11 spaces including disabled spaces and Electric Charging points.

4.3.23 The National Highways Authority following a holding objection received following a no objection response in December 2025 the day before committee in March, have now responded with the following –

*I can confirm that the request for a GG104 assessment in relation to the temporary site has now been withdrawn. However, in light of the concerns raised, please ensure these are given due consideration as the site progresses.*

*Should a permanent planning application be submitted, we would expect this risk to be clearly identified, with either a robust, site-specific mitigation strategy proposed, or appropriate evidence provided to demonstrate that no alternative solution is required.*

4.3.24 Given that we are recommending a 2-year condition I would conclude the proposal is considered acceptable in highway safety and parking terms, in line with Policy T1 of the Local Plan.

### **Flooding, Landscape and Ecology**

#### LLFA – Flooding

4.3.25 Following consultation under this application, the LLFA sought additional information. The applicant has provided feedback relating to details of drainage measures that the LLFA have been consulted on, but they have not yet responded. It is considered that any outstanding matters relating to these new plans are technical matters that should be able to be dealt with by condition, as necessary. This matter is addressed in the recommendation at 5.1 a) of this report.

#### Landscape

4.3.26 The Site comprises of existing hardstanding. It does not include any landscaping or any element of ecological quality. A landscaping plan has been submitted as part of the application. The plan shows planting which will result in an improvement in the visual amenity of the site in this regard when compared with the existing arrangements. I have recommended a landscaping condition to safeguard any vegetation or trees to be maintained.

#### Ecology

4.3.27 North Herts Ecologist was consulted and given the existing site context and proposed site of the development no comments were made.

## **Other Issues**

- 4.3.28 The objections and concerns raised by objectors have been given careful consideration. Concerns relating to traffic and highway safety have been addressed in the report above.
- 4.3.29 Following consultation with National Highways, no objections have been received to the proposed development and officers consider that refusal on highway safety grounds would not be justified.

## **Planning Balance**

- 4.3.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site includes the North Hertfordshire Local Plan 2011–2031, within which the application site lies in the Rural Area beyond the Green Belt and is therefore subject to Policy CGB1.
- 4.3.31 The proposal comprises the erection of a retail pod within the curtilage of an existing service station adjacent to the A1. The development does not fall within any of the categories of development identified under Policy CGB1. However, the countryside is not protected for its own sake with the NPPF confirming at paragraph 187 that decisions should recognise the character and beauty of the countryside. In addition, policy CGB1 is not determinative because it identifies certain forms of development that will be granted in the Rural Area beyond the Green Belt it does not stipulate that other forms of development should be refused. Consideration should be given to harm to the rural character of the countryside as this is the aim of that policy as well as Paragraph 187 of the NPPF.
- 4.3.32 The site forms part of an established roadside service station located immediately adjacent to the A1 and is previously developed land. The proposed retail pod would be contained entirely within the existing developed envelope of the site and would not result in the extension of built development into the open countryside. The scale, siting and function of the proposal would be read in the context of the existing commercial use of the site and the adjacent strategic road infrastructure.
- 4.3.33 The proposal would not result in harm to the character or appearance of the rural area. There would be no adverse impact on landscape character, openness, or visual amenity, and the development would not undermine the overall objectives of Policy CGB1, which seek to protect the countryside from inappropriate and sporadic development.
- 4.3.34 Significant weight is afforded to the efficient reuse of previously developed land in a sustainable location, in accordance with national planning policy which supports development that makes effective use of land and existing infrastructure. The proposal would also provide modest economic benefits through job creation and enhanced facilities for road users, which attract positive weight.
- 4.3.35 There are no identified adverse impacts in respect of highway safety, residential amenity, ecology, flooding, or other material planning considerations, and the proposal is capable of being appropriately controlled through conditions. Neutral weight is attributed to the absence of harm.

4.3.36 On balance, while the proposal is not fully in accordance with Policy CGB1 of the Local Plan, there are other considerations that indicate that planning permission should be granted. The development uses previously developed land, and the associated economic benefits, albeit moderate, are considered to constitute material considerations that outweigh the identified policy conflict. Accordingly, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is concluded that planning permission should be granted, subject to conditions.

#### **4.4 Conclusion**

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

#### **4.5 Alternative Options**

None applicable

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

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

#### **4.7 Climate Change**

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

#### **5.0 Recommendation**

5.1 That planning permission is resolved to be **GRANTED** subject to the following:

A) The resolution of the LLFA matters to the satisfaction of the Local Planning Authority with the imposition of planning conditions or amendment of planning conditions as necessary with any actions required pursuant to LLFA response being devolved to the Development and Conservation Manager; and

B) Conditions and Informatives as set out below:

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

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

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

2. The 'Greggs / retail ' pod hereby permitted shall be discontinued and removed on or before 2 years from the date of this approval, unless planning permission is sought to formalise the development in perpetuity.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regards to amenity in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

3. The premises hereby permitted shall only be open for customers and deliveries taken or dispatched between the following hours:

05:30hrs to 20.00hrs Monday to Sundays.

Reason: To protect the amenity of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. The premises here by permitted shall be used for E(a) - Display/Sale of goods other than hot food

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

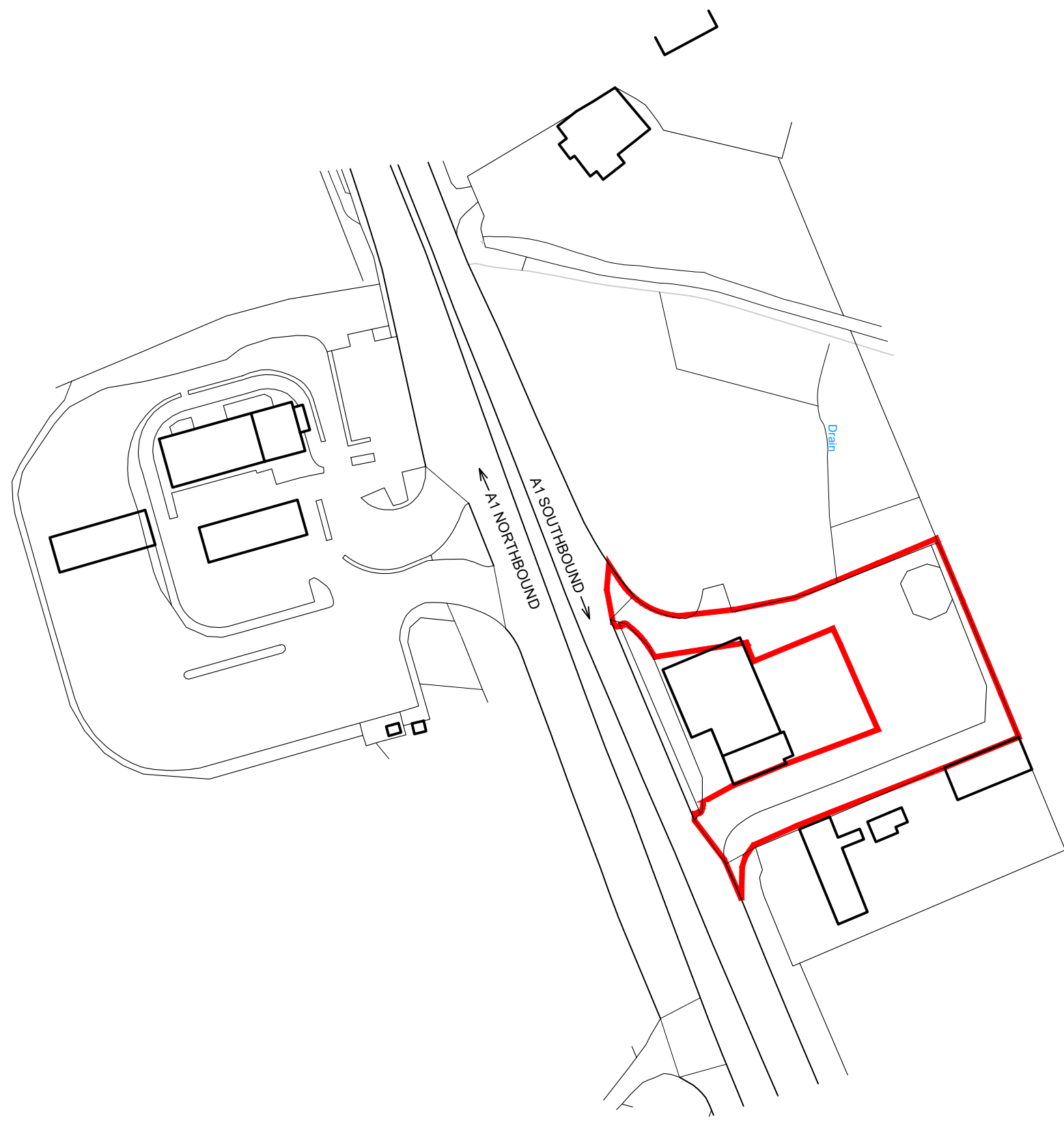
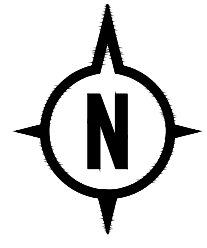
5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion 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.

### **Proactive Statement**

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

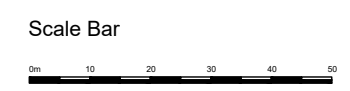
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REVISIONS ^

CLIENT	WELCOME BREAK
PROJECT	NORTHWAY S/S A1 SOUTHBOUND BALDOCK, SG7 5EX
TITLE	SITE LOCATION PLAN
DATE	01.09.25
SCALE	1:1250 @ A3
JOB ID	2050
DWG	21

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<u>Location:</u>	<b>151C Bearton Road Hitchin Hertfordshire SG5 1UB</b>
<u>Applicant:</u>	<b>Mr Abdul Mumin</b>
<u>Proposal:</u>	<b>Variation of Condition 3 (to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24.05.1995.</b>
<u>Ref. No:</u>	26/00403/S73
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period** 5 May 2026

**Reason for Delay:** In order to present the application to an available committee meeting.

**Reason for referral to Committee Cllr Albert:** Call in application if minded to approve the proposed development as he supports the objections of residents that this would interrupt their quiet enjoyment and create further noise.

## 1.0 **Planning Policies**

### 1.1 **North Hertfordshire Local Plan 2011-2031**

SP1 – Sustainable Development in North Herts  
SP3 - Employment  
D3 – Protecting Living Conditions  
T2 – Parking

### 1.2 **National Planning Policy Framework**

Section 6 – Building a strong, competitive economy  
Section 7 – Promoting safe and healthy communities  
Section 12 – Achieving well-designed places

### 1.3 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

## 2.0 **Site History**

- 2.1 **93/01364/1** - Change of use from retail to the preparation and sale of hot food (as amended by plan received 2.2.94) – Granted Conditional Permission on 23/02/1994.
- 2.2 **95/00276/1** - Change of use of Units B & C to hot food takeaway (as amended by plan and letter received on 19.5.95) – Conditional Permission granted on 25/05/1995.  
**Condition 3 – The use of the property within Class A3 of the Town and Country Planning (Use Classes) Order 1987, (or as amended) hereby approved, shall only operate between the hours of 11 am and 9.00 pm Monday to Saturdays.**
- 2.3 **96/01247/1** - Variation of condition 3 of planning permission 95/0276/1 restricting opening hours – Granted Conditional Permission on 19/12/1996.
- 2.4 **20/02825/S73** Variation of condition 3 of Planning permission 95/00276/1 granted 24.05.1995 to extend opening hours to Monday to Sunday 11am- 10:30pm. Refused 05.02.2021  
Reason for refusal: *The extended opening hours, due to noise and disturbance caused by the use of the site, would result in having an unacceptable impact on the residential amenity of nearby neighbouring occupiers. The proposed development would therefore fail to comply with Policy 57 of the Saved Local Plan, Policy D3 of the Emerging Local Plan and Section 8 and 12 of the National Planning Policies Framework (2019).*
- 2.5 **22/00254/S73** The use of the premises as a hot food takeaway (Use Class Sui-Generis), shall only operate between the hours of 11.00am and 10.30pm Monday to Saturdays and between the hours of 4.00pm and 9.30pm on Sundays (including Bank Holidays) as variation of condition 3 of Planning permission 95/00276/1 granted 24.05.1995.  
REFUSED  
*Reason: Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.*

## 3.0 **Representations**

- 3.1 Site notice/neighbours:

### **Support – 5 neighbours in support summary:**

- Existing issues of noise and disturbance in the area are attributed by supporters to another nearby business rather than the application site.
- Supporters state they have not experienced noise, odour, litter, or disturbance arising from the takeaway.
- Several neighbouring residents consider the business to be responsibly managed and respectful of neighbouring amenity.
- No objections to the proposed Sunday opening hours (4pm–8pm).
- Support expressed on the basis that proposed conditions are strictly adhered to, particularly:

- limited 4-hour Sunday opening period; and delivery-only operation.
- Recognition that compliance and enforcement of conditions would rest with the local planning authority.
- The premises has operated as a takeaway at the site for over 30 years, indicating an established commercial use.
- Supporters consider the proposed Sunday hours unlikely to adversely affect residential amenity.
- Representations highlight the economic benefits of the business, including:
  - supporting a small independent trader;
  - providing local employment;
  - contributing to the local economy/community; and
  - Some supporters consider the proposal would provide an additional local service for residents without causing material harm.

**Objections – 4 neighbours objecting summary:**

- Concerns that the proposal conflicts with previous decisions and policies within the Local Plan.
- Existing operation is alleged to already generate unacceptable levels of noise and disturbance affecting residential amenity.
- Specific concerns regarding:
  - -kitchen noise from the rear door being left open;
  - banging of utensils/pots and pans;
  - staff voices and movement between indoor and outdoor areas; and
  - operation of extraction/ventilation equipment.
- Objections that operational activities are extending outside the building, including use of external storage facilities.
- Concerns that the proposed “delivery-only” Sunday operation would be difficult to monitor and enforce effectively.
- Concerns that Sunday opening would increase:
  - delivery traffic;
  - vehicle movements;
  - parking pressures; and
  - associated noise disturbance.
- Concerns regarding highway and pedestrian safety arising from delivery driver behaviour, including reversing manoeuvres near a zebra crossing/junction; and illegal or inconsiderate parking.
- Concerns that additional Sunday trading would harm the quiet residential character of the area, particularly at weekends.
- Objections reference existing anti-social behaviour and disturbance associated with nearby takeaway premises and concern that additional opening hours could worsen these issues.
- Concern that approving the application could set a precedent for neighbouring takeaways to seek similar Sunday opening permissions, leading to increased commercial activity throughout the week.
- Residents state that cumulative impacts from noise and activity are affecting quality of life and sleep.

- Some objections argue there is no demonstrated need for additional takeaway provision in the area due to the number of similar nearby businesses.

### **Statutory Consultees**

3.2 **Environmental Health (Noise):** *Due to the location and proposals, I have no objections to the application. Environmental Health consider that the limited proposed hours of operating allied to the delivery only mode of trading would result in limited/insignificant impact on the residential amenity of nearby dwellings.*

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

*The application for a variation of change of hours for the above site has no highway implications therefore the Highway Authority would not wish to comment.*

### 4.0 **Planning Considerations**

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

4.1.1 The application site comprises a two-storey building currently used as a hot food takeaway on the ground floor. It is situated on the north side of Bearton Road adjacent to the junction with Brampton Park Road within a small terrace of commercial properties which includes another hot food takeaway and a general store.

4.1.2 The area is predominantly residential in character and includes traditional Victorian terraced properties and, opposite the site, a 1950s/1960s residential block.

#### 4.2 **Proposal**

4.2.1 Permission is sought for the variation of condition 3 of the original planning permission for the premises – ‘to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24.05.1995.

4.2.2 The applicant has confirmed there will be 4 employees, one of which is an inhouse delivery driver.

### **Key Issues**

4.2.3 In dealing with applications made under S 73 Local Planning Authorities are required to only consider the question of the condition and must leave the permission intact. Local Planning Authorities are empowered to:

- Grant permission subject to conditions differing from those subject to which the previous permission was granted or
- Grant permission unconditionally or
- Refuse the application.

- 4.2.4 The application site is situated within a predominantly residential area of Hitchin with residential dwellings to the rear and a shop to the left and another takeaway shop immediately east at the junction with Brampton Park Road. The key issue for consideration is the impact the proposal would have on the amenity of neighbouring occupiers.

#### **Enforcement/neighbouring premises**

- 4.2.5 Several representations have referred to the neighbouring Uptown Pizza Enforcement case against unauthorized opening hours. However, the proposed extension of operating hours on Sundays from 16:00 to 20:00 should be assessed on its own planning merits, with regard to the scale of the operation, the nature of the surrounding area, and any potential impacts on residential amenity. While it is acknowledged that a separate takeaway premises within the locality has been subject to enforcement action due to adverse impacts arising from late-night trading, it is important to note that each planning application must be determined independently and based on its own specific circumstances. The existence of enforcement issues at another site does not justify refusal of this application. Instead, consideration should focus on whether the proposed hours, which are notably limited in duration and early in the evening, would give rise to unacceptable impacts in terms of noise, disturbance, or general amenity for nearby residents.

#### **Impact on Neighbours**

- 4.2.6 The site is located within a predominantly residential area, where the protection of neighbouring amenity is a key material consideration. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to neighbour amenity.
- 4.2.7 The site is currently operating as a hot food takeaway/delivery unit in accordance with the original planning permission (ref: 95/00276/1), where hours of operation were limited by condition between 11am and 9pm Monday to Saturdays. Permission was then granted under application reference number 96/01247/1 to extend these opening hours to 10.30pm. The proposal seeks to vary the hours of operation to include from 1600 to 2000 on Sundays. Looking at google the advertised opening hours are 1630 -2200 Monday to Saturday.
- 4.2.8 Four representations have been received from nearby residents objecting to the proposal. The concerns raised primarily relate to the potential for increased noise and disturbance, particularly associated with vehicle movements, delivery drivers arriving and departing, and general activity during what is typically regarded as a quieter period of the week. These concerns have been given careful consideration in the assessment of the application. There have also been five representations from neighbours supporting the proposal.
- 4.2.9 In this instance, it is considered that the proposed extension of hours is relatively modest, limited to a four-hour period in the early evening on Sundays only. The delivery-only nature of the operation is a material factor, as it would not give rise to customer congregation at the premises, thereby reducing associated noise and disturbance typically linked to takeaway uses.

- 4.2.10 While delivery activity has the potential to generate noise and disturbance, this is expected to be intermittent albeit they would be concentrated in the restricted hours proposed. Furthermore, the early evening timeframe (ending at 20:00) is not considered to be unduly late to give rise to unacceptable harm to residential amenity.
- 4.2.11 The Council's Environmental Health Officer raises no objections to the application and no requirements for further information, such as a noise report, to be submitted.
- 4.2.12 As the proposal is for delivery only and the premises will not be open for customers to pick up and order food the additional footfall and associated impacts on amenity of neighbouring residential properties will not be excessive.
- 4.2.13 However, in line with what has been enforced at the neighbouring commercial unit and at other hot food businesses in the district, it is considered reasonable to grant temporary permission of 12 months to enable an assessment of the impact of this premises opening on a Sunday.
- 4.2.14 As part of the previously refused application for extended hours in 2022 (this was not limited to delivery only) the following was stated:  
*"Typical of many modern hot food businesses, the applicant serves a wider customer base than just the immediate locality. Delivery drivers are employed to meet this wider demand. These drivers and normal local customers visiting the site create more general noise and disturbance from their comings and goings. To understand this more fully, the applicant has provided some information relating to visits to and from the site by delivery drivers on peak days – Friday and Saturday. This data was collected during four weekends in June and July. This confirmed that typically there are 3 delivery drivers creating an average of 14 visits in the course of a working day."*
- 4.2.15 Compared to the previous applications made in 2020 and 2022 to vary condition 3, Sunday operating hours between 1600 and 2000 and delivery only, it is anticipated that there would be approximately 10-12 deliveries (by an inhouse driver) during these Sunday opening times.
- 4.2.16 The issue of general noise and disturbance in connection with an application to extend opening hours of the adjacent hot food takeaway at 151B Bearton Road on Sundays from 12 noon to 10.30pm was considered in 2006 (application reference 06/00592/1 - appeal reference APP/X1925/A/06/2032549). In dismissing the appeal, the Inspector commented that *"the additional comings and goings associated with the proposed extension of opening hours and the consequent slamming of car doors, manoeuvring of vehicles and general level of activity would unacceptably affect the living conditions of residents in the nearby properties through noise and disturbance"*.
- 4.2.17 The key difference between this current application and the recently refused application (and the dismissed appeal on the adjacent site) is the period that the premises would be open (four hours) compared to a ten and half hours long proposed extension. It is considered that the general noise and disturbance activities identified by the appeal inspector will be similar although less intense and prolonged due to the shorter opening hours currently sought and restriction to delivery only. In considering this application it is

important to bear in mind the existence of the adjacent hot food takeaway. If this variation of the opening day/times condition is allowed, a precedent would be created. However, the proposal is very limited in period and with a relatively early (8pm) closure, setting a very limited precedent. Moreover, if this proposal is found to cause unacceptable harm to the living conditions of neighbours, control would be retained insofar as a condition is recommended limiting the permission to a temporary period of 12 months.

- 4.2.18 It would be difficult to also mitigate impacts by, for example, limiting the number of delivery drivers that can operate at the premises on a Sunday as this is unlikely to pass the necessary tests set out in guidance relating to conditions, particularly in relation to enforceability. However, I have proposed a condition for the occupier to implement measures to refuse a customer collection from the premises.
- 4.2.19 As such, it is anticipated that the proposal would not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan and is therefore being recommended for a temporary period of 12 months.

#### 4.3 **Conclusion**

- 4.3.1 Having regard to the site history, relevant planning policies, consultation responses and representations received, it is considered that the proposed Sunday opening hours, limited to a four-hour period between 16:00 and 20:00 and restricted to delivery-only operations, represent a materially different and more constrained form of development compared to previously refused schemes. The reduced duration and nature of the operation are such that any associated comings and goings, including those of delivery drivers, would be limited in frequency and intensity. Furthermore, no objection has been raised by Environmental Health in respect of noise and disturbance.
- 4.3.2 While concerns raised by local residents regarding noise, disturbance, and precedent have been carefully considered, it is concluded that, on balance, the proposal would not result in unacceptable harm to residential amenity, having regard to Policy D3 of the Local Plan. It is also noted that each application must be assessed on its own planning merits, and the circumstances of nearby premises, including any enforcement matters, are not determinative in this case.
- 4.3.3 In order to appropriately monitor the impact of the development and address any unforeseen amenity issues, it is considered reasonable and necessary to grant permission on a temporary basis for a period of 12 months. This will enable the Local Planning Authority to assess the effects of the Sunday operation before considering any application for a permanent arrangement.
- 4.3.4 Subject to the imposition of appropriate conditions, the proposal is therefore considered acceptable and recommended for approval on a temporary basis.

#### 4.4 **Alternative Options**

- 4.4.1 None applicable.

#### 4.5 **Pre-Commencement Conditions**

- 4.5.1 None applicable.

## 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

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

### **Hours**

1. The use of the property within Sui Generis of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or as amended) hereby approved, shall only operate between the hours of 11:00 and 22:00 Monday to Saturdays and Sunday between 16:00 and 20:00

Reason: To protect the residential amenities of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

### **Temporary Use**

2. The operation hours for Sundays hereby permitted shall be for a limited period of 12 months from the date of this decision. The use hereby permitted with extended hours of operation shall be discontinued and may revert to those restricted hours of operation under permission reference 95/00276/1.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the extended opening hours in regard to amenity of neighbouring properties, in line with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

### **Delivery Only Operation**

3. The use hereby permitted shall operate on a delivery-only basis and shall not be open to members of the public for the collection of food or drink on a Sunday. No customers shall be permitted to enter the premises on Sundays for the purposes of ordering or collecting goods, and no over-the-counter sales shall take place.

The operator shall implement and retain measures to prevent customer collection from the premises, including but not limited to: clear signage displayed on the site and on any ordering platforms stating that no collection is permitted; the disabling of any “click and collect” or similar options; and procedures requiring staff to refuse service to any customers attending in person.

Reason: To protect the amenities of neighbouring residential occupiers by minimising noise, disturbance, and general activity at the site, in accordance with Policy D3 of North Hertfordshire Local Plan 2011 to 2031

**Proactive Statement**

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

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**PLANNING CONTROL COMMITTEE**

**DATE: 04 June 2026**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Hitchin Storage Centre Limited	Erection of a second layer of storage units (17no. additional units) for self-storage above existing storage units.	Land Adjacent To Unit 3 On The West Side Of Cadwell Lane Hitchin SG4 0SA	25/03147/FP	Appeal Dismissed on 1 May 2026	Delegated	The Inspector concluded that the proposal would be detrimental to the character and appearance of the area when viewed from the nearby residential area to the south of the site. This conflicts with policies SP9 (Design and sustainability) and D1 (Sustainable design) of the North Herts Local Plan 2011-2031 (NHLP) insofar as it would not respond positively to the site's local context.
D&A Architectural & Structural	Change of use of land to equestrian and erection of stables and covered menage.	Land At Church Wood Three Houses Lane Codicote	24/01042/FP	Appeal Dismissed on 7 May 2026	Committee	The Inspector concluded that the proposed development would unacceptably harm the character and appearance of the area contrary to Policies SP9 (Design and sustainability), D1 (Sustainable design) and NE2 (Landscape) of the NHLP which, amongst other things require new development to be well designed, respond positively to its local context and prevent unacceptable harm to the character and appearance of the surrounding area. The Inspector also concluded that the proposed development would be inappropriate development within

						the Green Belt. It would also result in a loss of openness. The Inspector attached substantial weight to this harm, as required by paragraph 153 of the Framework.
Chris and Claire Mortlock	Two storey side extension to form annex and single storey front and rear extensions to existing dwelling following demolition of existing garage. Replacement of hanging tile to existing dwelling with a hardie plank cement based cladding in light grey.	23 The Rowans Baldock SG7 6HL	26/00228/FPH	Appeal Dismissed on 8 May 2026	Delegated	The Inspector concluded that the proposal would unduly harm the character and appearance of the house and this part of The Rowans. It conflicts with policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the NHLP and Section 12 of the National Planning Policy Framework, which aim to secure high quality design that responds positively to a site's local context, with extensions that are sympathetic to the existing house in height, form and proportions.

**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 04 June 2026**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Joseph Campion And Georgia Napper	22 April 2026	Erection of one self-build detached dwelling following demolition of the existing semi-detached dwelling including amenity space, landscaping, parking and widening of existing vehicular access/driveway.	11 Kingswood Avenue Hitchin SG4 0PA	26/00109/FP	Written Representation
Mr Philip Gomes	22 April 2026	Removal of condition 6 of planning permission 25/01850/FP granted 23.09.2025 for erection of chalet bungalow following demolition of existing buildings.	Fen Farm Rabley Heath Road Codicote Welwyn HAL6 9UA	26/00215/S73	Written Representation
Mr Alex Farr	22 April 2026	Erection of one dwelling and associated external works.	Land Adjacent To 1 Caldecote Road Newnham SG7 5JZ	25/02627/FP	Written Representation
Rosemary Campbell	08 May 2026	Erection of one self-build dwelling (all matters reserved except means of access) and demolition of existing detached barn.	Land At Fear End Fears Green Sandon SG9 0QY	25/03120/OP	Written Representation
Mr Sajjad Fozi	13 May 2026	Detached outbuilding and extension of the existing driveway	17 Bedford Road Ickleford SG5 3XH	26/00231/LDCP	Written Representation
Mr & Mrs Jani	14 May 2026	Erection of three residential dwellings and associated works following demolition of no.3 redundant agricultural buildings, demolition of existing cartlodge and partial demolition of existing garage/outbuilding	Woodcotes Fears Green Sandon SG9 0QZ	25/02883/FP	Written Representation

Mr Jim Caudle	14 May 2026	Erection of detached self-build bungalow with integral garage, to include associated parking and boundary fencing following demolition of existing storage buildings and garage (as amended by plans received 4th February 2026)	Land To The Front Of Everglades Maiden Street Weston SG4 7AA	25/02950/FP	Written Representation
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## Appeal Decision

Site visit made on 20 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 1 May 2026

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### Appeal Ref: 6005351

### Hitchin Storage Centre, Cadwell Lane, Hitchin SG4 0SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr I Turness against the decision of North Herts Council.
  - The application Ref is 25/03147/FP.
  - The development proposed is the erection of a second layer of storage units (17no. additional units) for self-storage above existing storage units.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council gave the site address as “land adjacent to Unit 3 on the west side of Cadwell Lane” on its decision notice. I have used the site address given on the application form in the banner heading above.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and upon the amenity of the users of the adjacent recreation ground.

### Reasons

4. The appeal site is at the edge of a commercial area which extends broadly towards the north and east of the site. This is formed of a range of commercial and industrial uses in various different types of buildings and yards. The appeal site is not dissimilar to these in terms of its overall style and appearance, being formed of an area of hardstanding with shipping containers, finished in green, being positioned on the land.
5. However, the site is in a prominent location, being set immediately to the north of Cadwell Lane Playing Field recreation ground. The site is set at a slightly lower level and in direct line of site as Cadwell Lane curves around to the east. As a consequence of this, it is in a highly visible position when viewed from the nearby residential areas to the south. This visibility makes the site significantly starker and more noticeable than its other commercial neighbours.
6. The creation of the double height shipping containers would emphasise this. The containers presently on the site are visible in fleeting views but this is ameliorated by the choice of a muted dark green colour and the screening on the boundary with Cadwell Lane Playing Field. However, the increase in height would render the

containers notably more visible, despite the muted colour tone. Their industrial form and appearance would not be offset by this choice of colour.

7. Fundamentally, it is this juxtaposition of the distinctly industrial containers and the visibility from the residential areas that is of concern here. I do accept that the existing hedge would provide some screening and this works effectively with the existing arrangement, however it is apparent this would not be the case with double stacked containers. As such I conclude that the proposal would be detrimental to the character and appearance of the area when viewed from the nearby residential areas to the south of the site. This conflicts with policies SP9 and D1 of the North Herts Local Plan 2011 – 2031 (NHLP) insofar as it would not respond positively to the site's local context.
8. The containers would be visible from Cadwell Lane Playing Field. However, equally, other parts of the nearby commercial area are also visible from this recreation ground. Users of the recreation ground would be under no illusion that it is near to a commercial area. Accordingly, I am unable to conclude that the addition of the shipping containers would adversely affect the amenity of those using it. Indeed, I note that the Council has cited policy D3 of the NHLP and this is concerned with living conditions. As Cadwell Lane Playing Field is not within a residential use or otherwise used for habitation, I am unable to find any conflict with this policy of the Plan.

### **Conclusion**

9. The proposal would be detrimental to the character and appearance of the area due to its prominence and visibility from the nearby residential area. It therefore conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

*N Bowden*

INSPECTOR



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## Appeal Decision

Site visit made on 9 April 2026

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7 May 2026**

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**Appeal Ref: APP/X1925/W/25/3375383**

**Land At Church Wood, Three Houses Lane, Codicote, Hertfordshire SG4 8TA**

- 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 D&A Architectural & Structural against the decision of North Herts Council.
  - The application Ref is 24/01042/FP.
  - The development proposed is change of use of land to equestrian and erection of stables and covered ménage.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development upon the character and appearance of the area;
  - Whether the proposal is inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
  - The effect on openness and the purposes of the Green Belt;
  - Flood risk; and
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Character and appearance*

3. The appeal site comprises an irregular shaped undeveloped field that sits to the south of a complex of modern rural buildings. The site, to the south, neighbours an equine use and open fields, but otherwise it is surrounded by woodland of varying density. Despite the presence of trees along the Three Houses Lane frontage, views through the site are afforded from the roadside.
4. The surrounding area is distinctly rural in character characterised by narrow roads such as Three Houses Lane, sporadic development, occasional woodland and extensive open fields, including the site, and which gives the area a sense of spaciousness and tranquillity.

5. I acknowledge that the proposed materials would be sympathetic to the surrounding rurality. However, the stables and menage on account of its overall scale and form, occupying a considerable undeveloped and open area of the site would unacceptably erode the sense of spaciousness that currently exists.
6. Given the above, it would be a notable presence, clearly visible through the surrounding woodland, when viewed from the local area. It would appear as an unduly prominent and dominant structure harming the area's character and appearance.
7. Whilst the appellant has suggested that planting would soften views of the development, there is no substantive evidence to indicate it would remain for the lifetime of the development such that they would continue to screen or soften it. Whilst a condition relating to landscaping could be imposed, there is no evidence regarding landscaping before me, thus there is no certainty that it would mitigate the harm identified.
8. Whilst I note the presence of other equine uses locally and that stables and menages are not uncommon in rural areas this is not justification for a scheme that I have found to be harmful.
9. Turning now to vehicular movements – the appellant advises that these would be limited to day-to-day deliveries and occasional horse transport akin to movements associated with small rural enterprises. There is no doubt that the proposed development would result in vehicular comings and goings. That said, the appellant advises that the lawful use of the site is agricultural, which is not disputed by the Council, and which likely generates vehicular movements including agricultural machinery. Thus, given the nature of the existing and proposed use and the likely associated movements I am not persuaded that the vehicular comings and goings would have an unacceptable harmful effect upon the character of the area.
10. Despite the above, the proposed development would unacceptably harm the character and appearance of the area contrary to Policies SP9, D1 and NE2 of the North Hertfordshire Local Plan (LP) which, amongst other things, require new development to be well designed, respond positively to its local context and prevent unacceptable harm to the character and appearance of the surrounding area.
11. Reference has been made to Policy KBBE4 of the Knebworth Neighbourhood Plan, by the appellant, however, this does not provide justification for the scheme before me.

*Whether the proposal is inappropriate development in the Green Belt*

12. The Framework states that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of specified exceptions. This includes the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it as set out in Part b) of paragraph 154.

13. LP Policy SP5 relates to the Green Belt and states that development proposals will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated.
14. The proposed development is for stables and an indoor menage with associated infrastructure for private use forming an equine facility for outdoor recreation and which is not deemed to be inappropriate development subject to caveats. Therefore, in the context of paragraph 154 b) the question is whether the proposal would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
15. Dealing with openness first, the Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
16. The stables and menage would be accommodated within an L shaped building positioned along the southern boundary of the site. The proposed development on account of its overall footprint, scale and form would be sizeable occupying a considerable undeveloped and open area of the site. Accordingly, in my view, it would not preserve the openness of the Green Belt in spatial terms.
17. For these same reasons the proposed development would be a conspicuous feature within the local landscape. The stables and menage would be visible in views from neighbouring properties and in views when travelling along Three Houses Lane, notwithstanding the presence of trees and planting. Therefore, the proposal would also result in a loss of openness in visual terms.
18. The introduction of built form into an otherwise undeveloped and open area would also lead to an encroachment into the countryside, contrary to one of the purposes of the Green Belt.
19. There is nothing substantive before me to suggest that the proposed development would be comparable to buildings and structures that could be built under agricultural permitted development rights. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
20. Drawing these matters together the proposal would constitute inappropriate development in the Green Belt as set out in paragraph 154 b) of the Framework. There would also be conflict with LP Policy SP5.
21. The Glossary to the Framework sets out the definition of grey belt. It is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143.
22. In terms of this paragraph both main parties are of the view that the site does not strongly contribute to purposes a), b) and d) and based on the evidence before me I can only come to the same conclusion. Therefore, the first criterion would appear to be met.
23. The proposal is for a modern purpose-built, all-weather facility for a private horse owner. Planning is concerned with land use in the public interest, and, in my view, paragraph 115 b. seeks to support developments whether that is residential, commercial or otherwise where there would be a wider benefit to the local

community or society as a whole. To my mind, it does not provide justification for schemes that would largely serve a private interest as is the case before me.

24. The contribution that the proposed development to the equestrian sector, the local rural economy and the county's equestrian infrastructure is noted but this does not amount to demonstrating that there is an 'unmet need' for such facilities. Furthermore, the level of need for private facilities or any information demonstrating a lack of other alternative options in the surrounding area has not been fully demonstrated. The case outlined in the appellant's evidence is essentially anecdotal and not supported by any empirical data. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
25. Consequently, having regards to the particular merits of the scheme before me the site does not meet the definition of grey belt.
26. As I have found that the proposed development would be inappropriate development within the Green Belt in the context of Framework paragraph 155 on account of need there is no benefit in me considering whether the development would be in a sustainable location.

#### *Flood risk*

27. The Council's concerns relate to the potential for surface water flooding. The appellant's Flood Risk Assessment and SuDS Report indicates that the site is at a low risk of flooding from all sources. Having regard to this report I am satisfied that the site conditions in respect of flooding including surface water flood risk have been established and the parameters of a workable drainage strategy identified. Furthermore, additional details could be reasonably secured by condition.
28. As such, based on the evidence before me I am satisfied that the proposed development would not increase the risk of flooding on and off the site. It therefore would accord with LP Policy NE8 which, amongst other things, encourages the most appropriate sustainable drainage solutions to reduce the risk of surface water flooding.

#### **Other Matters**

29. The appellant has drawn my attention to decisions made locally and in North Yorkshire for similar developments which they contend are relevant. However, based on the limited information before me I cannot be satisfied that they are comparable to the scheme before me. In any event every application and appeal must be considered on its own merits, as I have done. These examples do not lead me to reach a different conclusion in respect of the appeal.
30. I acknowledge that the proposed development would support local rural businesses and equine employment and there are no objections in terms of vehicular visibility, internal vehicular circulation and living conditions. I also note that the scheme would result in a net gain in biodiversity. However, these matters do not outweigh the harm that I have identified.
31. Whilst the Framework encourages the efficient use of land and supports rural economic growth it also recognises that developments should be sensitive to its surroundings.

32. The alleged conduct of the Council during the course of the application is not a matter for me in assessment of this s78 appeal.
33. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.

### **Conclusion**

34. The proposed development would be inappropriate development in the Green Belt. It would also result in a loss of openness. I attach substantial weight to this harm, as required by paragraph 153 of the Framework. I have also found harm with regard to the character and appearance of the area.
35. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
36. For the reasons set out above the appeal does not succeed.

*B Thandi*

INSPECTOR

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## Appeal Decision

Site visit made on 27 April 2026

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2026

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### Appeal Ref: 6006400

#### 23 The Rowans, Baldock, Hertfordshire SG7 6HL

- 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 Chris and Claire Mortlock against the decision of North Hertfordshire District Council.
  - The application Ref is 26/00228/FPH.
  - The development proposed is: Two storey side extension to form annexe and single storey front and rear extensions to existing dwelling following demolition of existing garage. Replacement of hanging tile to existing dwelling with Hardie Plank cement based cladding in light grey.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The description of the proposed development listed above is a clarified version agreed between the appellants and the Council.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the house and this part of The Rowans.

### Reasons

4. The Rowans is a suburban street of detached houses of fairly uniform design – gable fronted with long 2 storey side walls. Most of these are closely spaced with small gaps between the buildings. No 23 is typical in its design but unusual in that it sits in an angled configuration near the end of a cul-de-sac section, on a wider than normal plot with space for a detached garage to the side/rear. No 27 next door also has a wide plot, and further space is created by a private drive running between the 2 properties. The proposal is to replace the garage and an open car port with a 2 storey side/rear extension to provide 2 bedroom annexe accommodation for a relative, plus small single storey front and rear extensions and new cladding. The Council's concerns are about the 2 storey extension only.
5. Although No 23's plot size and spacing create an opportunity for a significant extension, this proposal would very substantially increase the house's visual impact. The 2 storey extension would be deeper in plan than the existing house and would nearly double the length of full height 2 storey side walls facing the end of the cul-de-sac. The result would be an overly bulky structure, clearly out of proportion with the existing house and others nearby. The new section of 2 storey

side wall would moreover be blank in design, accentuating its massing. The long, almost featureless side wall would be an imposing and unsympathetic addition to the street scene.

6. I note that a number of other houses on The Rowans have been extended to the front or rear, but none of these extensions appear to reflect the scale and design of this proposal. Across the street No 30 has a 2 storey side extension, but that is a very different scheme in a different situation. I have assessed this proposal on its own merits, in light of current circumstances.
7. The Council is also concerned that the extension would close down the open space between Nos 23 and 27. The 2 storey extension would, however, leave a wide gap to No 27, partly because of the private drive between the 2 houses. It would also be set back from the street and building frontage. The proposal would not, therefore, cause any significant loss of openness.
8. I nevertheless conclude that the proposal would unduly harm the character and appearance of the house and this part of The Rowans. It conflicts with policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 and Section 12 of the National Planning Policy Framework, which aim to secure high quality design that responds positively to a site's local context, with extensions that are sympathetic to the existing house in height, form and proportions.
9. I find that the proposal conflicts with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR