

NORTH HERTFORDSHIRE DISTRICT COUNCIL



23 October 2026

Our Ref Planning Control Committee 5 November
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, Mick Debenham, Joe Graziano, Steve Jarvis, Tim Johnson, Bryony May, Michael Muir, 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, GERNON
ROAD, LETCHWORTH, SG6 3JF**

On

THURSDAY, 5TH NOVEMBER, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

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

Agenda

Part I

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 1 OCTOBER 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 1 October 2026.	(Pages 5 - 24)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	

6. **26/01224/S73 LAND WEST OF ASHWELL ROAD, BYGRAVE, HERTFORDSHIRE, SG7 5EB** (Pages 25 - 60)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of Condition number 26 (CTMP) (as amended by information received 16 July 2026): vary the number of daily articulated lorry visits and the permitted hours of construction vehicle movements, of planning permission reference 22/00741/FP granted on 17.06.2024 for: Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended by information received 29 January 2024).

7. **APPEALS** (Pages 61 - 72)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 1ST OCTOBER, 2026 AT 7.00 PM

MINUTES

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

In Attendance: *Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Robert Filby (Committee, Member and Scrutiny Officer), Thomas Howe (Planning Officer), Sarah Kasparian (Principal Planning Officer (Major Projects)), Anne McDonald (Principal Planning Officer (Development Management)), Naomi Reynard (Senior Planning Officer) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 15 members of the public, including registered speakers.*

65 APOLOGIES FOR ABSENCE

Audio recording – 01 minutes 08 seconds

There were no apologies for absence received.

66 MINUTES - 3 SEPTEMBER 2026

Audio Recording – 01 minutes 17 seconds

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 3 September 2026 be approved as a true record of the proceedings and be signed by the Chair.

67 NOTIFICATION OF OTHER BUSINESS

Audio recording – 02 minutes 01 seconds

There was no other business notified.

68 CHAIR'S ANNOUNCEMENTS

Audio recording – 02 minutes 06 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.

69 PUBLIC PARTICIPATION

Audio recording – 04 minutes 26 seconds

The Chair confirmed that the registered speakers were in attendance.

70 24/02889/FP LAND AT ROUNDWOOD, BACK LANE, GRAVELEY, HERTFORDSHIRE

Audio recording – 05 minutes 36 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02889/FP and advised that:

- A written update on the application had been published with the supplementary documents, including an update on the decrease of the five-year housing land supply of the Council, which strengthened the recommendation to grant permission.
- The NHS had been reconsulted but had not yet provided a response, and it would be worth checking with them whether they wished to amend their back up projects to allow flexibility, given the passage of time on this application.
- Due to the above, recommendation C) should be amended to provide delegated powers to the Development and Conservation Manager to decide on projects for NHS contributions rather than outdoor sports contributions.

The Senior Planning Officer then presented the report in respect of Application 24/02889/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Clare Billing
- Councillor Martin Prescott
- Councillor Emma Fernandes
- Councillor Louise Peace
- Councillor Nigel Mason

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

- Although the affordable housing had been halved since the last application, the mix would be kept the same with 65% being allocated for rent.
- Following the independent review of the viability report from Dixon Searle, professionally, it would not have been appropriate to ask the Applicant to increase affordable housing at the expense of financial contributions that would address the impact of the development on infrastructure.
- Despite disagreeing with Dixon Searle on the viability position, the Applicant had agreed to increase financial contributions to create a reasonable compromise.
- A viability review mechanism would form part of the legal agreement and would mean that the Council could clawback any uplift if the viability of the development improved, and this would be split between affordable housing provision offsite and developer contributions.
- Onsite affordable housing could not be increased at a later stage as the contract with the affordable housing provider would be on the commencement of development or earlier.
- Any increase or decrease in viability would be measured against the viability report completed in April 2026, but a decrease would not affect financial contributions or affordable housing provision.
- There had been no change to the number of dwellings in this application since it had been considered by the Committee last July. The change in economic circumstances had been set out in the report of the Applicant, and they were satisfied that this complied with Policy DM5 of the National Planning Policy Framework (NPPF).
- Triggers for the bus service and other provisions had not yet been agreed, but they would seek advice from the NHS and Hertfordshire County Council (HCC), who were keen for infrastructure to be put in before it was needed such as sustainable transport.
- Strand 2 contributions would go towards cycle and pedestrian links, although this had been reduced on the basis that the monitor and manage mechanism and Public Rights of Way improvements would have a wider benefit beyond the residents.
- It had not been considered reasonable to ask the Applicant to revise their Transport Assessment at this stage to account for the GA2 site as this had been accounted for by officers when the application was originally considered, and the Transport Assessment for GA2 had also accounted for this development. Furthermore, HCC had not raised an objection.
- Officers wanted to include the viability review mechanism in the application so that benefits could be captured from any uplift, but the proposed, compromised position had been considered and, assessing that in the balance, if provided, approval was recommended.
- Dixon Searle had provided their informal advice rather than recommendations on how decisions should be taken, and this had been used to determine the best solution for the district.
- Future applications with viability issues would have to submit a viability assessment and could not rely on this application to justify a reduction in affordable housing.
- If the viability position of the application had been misjudged, any uplift would be captured by the viability review mechanism, and any downturn would not affect it.
- The Local Plan set 40% affordable housing as a target subject to viability. Therefore, the application was policy compliant.
- The decrease in the five-year housing land supply of the Council had not impacted the percentage of affordable housing.

N.B. Councillor Tom Tyson entered the Council Chamber at 19:47 and did not participate in the discussion or vote on the item.

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

- Some financial contributions had been reduced, and some had been maintained since the application had last been considered to prioritise the infrastructure required.
- While the application should be determined in accordance with the Local Plan, it should also be determined considering other material planning considerations such as the new NPPF, and the change in five-year housing land supply since the publication of the report.

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

- The Parish Council welcomed new housing, but they were appalled that affordable housing would be halved as this was desperately needed in the area, and they were more shocked to learn that the drop had been unchallenged.
- The new NPPF stated that land being taken from the Green Belt would retain 40% affordable housing, and it was disingenuous to say the land had already been taken away from the Green Belt when the Local Plan had been adopted.
- If the Council accepted 20% affordable housing on this application, developers proceeding with other major sites would see this as an opportunity to build with the same or a lower level of affordable housing.
- The Council were asked to refuse planning permission for this application and renegotiate the affordable housing provision.

The Chair thanked Parish Councillor Moody for their presentation and invited the second Public Objector, Great Ashby Community Councillor Beryl Brown, to speak against the application. Community Councillor Brown thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- GA1 was part of the Local Plan Review consultation, and determining this application would not account for community views expressed in this.
- The Committee report contradicted the Local Plan as the land had countryside status and was outside the built-up area, rather than being a settlement adjoining Great Ashby.
- Having countryside status meant that Policy S5 in the NPPF would apply rather than Policy S4, and a Green Belt reassessment would be required for this site.
- The transport modelling had not reflected the environment in Great Ashby as the cumulative impact of other developments had not been robustly assessed and this conflicted with Policies TR3, TR6 or SP3 in the NPPF and the Local Plan.
- Alternative parking locations resulting from displacement had not been appropriately considered as private courtyard spaces had been suggested, which residents were not permitted to park in.

The Chair thanked Community Councillor Brown for their presentation and invited the Member Advocate Objector, Councillor Vijaiya Poopalasingham to speak against the application. Councillor Poopalasingham thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Committee were being asked to give up 56 affordable homes, which were homes and opportunities that local people would lose.
- The independent review of the viability report did not agree that 20% affordable housing was the maximum that this development could support as it was believed that the negative viability position had been overstated, and the adjusted appraisal put the residual land value £1.65M higher than the benchmark land value.
- Evidence had not clearly and overwhelmingly establish the viability ceiling for 20% affordable housing, and paragraph 4.61 of the Committee report confirmed this.

- If an enforceable viability review mechanism was not agreed with the Applicant, this application could be reconsidered by the Committee in the future as it could potentially breach multiple policies, and even if one was agreed, it would not restore the affordable housing that they had surrendered in this application.
- Fear of an appeal should not influence judgement on this application.
- Accessing a home was harder than ever before, and the risks that commercial development brought were not for this Committee to bare.

In response to a point of clarification from Councillor Emma Fernandes, Councillor Vijaiya Poopalasingham advised that:

- Paragraphs 4.1.5 – 4.1.8 of the independent viability review described the key findings, including their difficulty to understand why 40% affordable housing was no longer viable, and their belief that the negative swing had been overstated in supportable outcomes.
- The Applicant had only agreed to the principal of a viability review mechanism, rather than the conditions and terms of one itself.

The Chair thanked Councillor Poopalasingham for their presentation and invited the Representatives for the Applicant, Mr Richard Kelly and Mr Julian Clarke to speak against the application. They thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This site was allocated for residential development as GA1 in the Local Plan and was expected to be developed accordingly to meeting housing needs.
- Deteriorating market conditions meant that they were no longer able to commit to the S106 contributions and affordable housing that the application previously had.
- Policy HS2 in the Local Plan acknowledged that lower levels of affordable housing were possible when viability issues arose, and Policy SP7 in the Local Plan allowed S106 contributions to be reviewed where viability issues had been identified.
- The independent review had deemed the previous scheme to be unviable.
- 20% affordable housing and over £8.6M in S106 contributions struck the right balance while allowing the application to proceed despite viability issues.
- Top up payments would be made towards affordable housing and infrastructure if market conditions improved while the development was being built.
- An appropriate affordable housing mix would be secured, some of which would be wheelchair adaptable to meet the need identified by Housing Officers.
- There had been no changes to the landscaping, proposed number of dwellings or associated works since the application had been considered in July 2025.
- The development included well designed open space, which would enhance and preserve ecology, and protect the adjoining ancient woodland.
- Infrastructure delivered by the development was deemed to be acceptable.
- There were no outstanding objections from any of the statutory consultees.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor Martin Prescott
- Councillor Claire Winchester
- Councillor Val Bryant
- Councillor Clare Billing

In response to points of clarification, Mr Richard Kelly advised that:

- Withdrawn offers from affordable housing providers, wider market conditions, plateauing sale prices and significant bill cost inflation had all contributed to the worsened viability position.

- They had agreed to increase S106 contributions by the £2.989M surplus detailed in the independent review by Dixon Searle.
- While Dixon Searle had not agreed that build costs had substantially increased, they acknowledged that the previous S106 contributions and 40% affordable housing would not be viable.
- Another developer would not want to purchase the land to deliver 40% affordable housing as the residual land value for that option would be -£2.85M, as detailed by Dixon Searle.
- The viability review mechanism would be based upon mechanisms used elsewhere in the district, where actual build costs and revenues would be compared to those set out in the viability assessment.
- There was no incentive to sell properties at a lower price to avoid uplift in the viability review mechanism as they would receive a split of the extra revenue if conditions improved.
- The appetite and ability of the affordable housing sector to pay for the housing they built had changed, and the amounts that they had been offered meant that they would lose significant amounts on each affordable house built.

In response to points made during the verbal presentations, the Principal Planning Officer (Development Management) advised that the viability review mechanism would form part of the S106 agreement and would have to be signed by the Applicant, otherwise planning permission would not be issued, and the application might be reconsidered by the Committee with a different recommendation.

In response to points made during the verbal presentations, the Senior Planning Officer advised that:

- Policy S4 in the NPPF had been applied as the site had been allocated in the Local Plan and was now within a settlement.
- Increasing affordable housing had not been explored as, professionally, it would not be appropriate to increase the amount of affordable housing at the expense of developer contributions to address the impact of the development on infrastructure.
- If the application was deferred to revisit the viability, there was a risk that affordable housing and financial contributions would be decreased further as the Applicant did not agree with the position of the independent review but had agreed to proceed with a compromised position.
- Policies HS2 and S7 in the Local Plan allowed the Council to consider viability, so this application was compliant as this had been considered.
- Future applications with viability issues would have to undertake the same rigorous approach that this one had, including a viability assessment and independent review.

In response to an additional question from Councillor Martin Prescott, the Senior Planning Officer advised that Policy HS2 sets a target of 40% affordable housing for major sites, and while it had been achievable on other sites, it had not been achievable here.

Councillor Nigel Mason proposed the recommendations in the report, including the amendment to recommendation C) as mentioned in the verbal update of the Senior Planning Officer, and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Nigel Mason

- Councillor Claire Winchester
- Councillor Ian Mantle
- Councillor Louise Peace

The following points were made as part of the debate:

- It was not believable that the viability had changed so much in 14 months.
- The independent review did not agree with the viability position of the Applicant.
- It was worrying that granting permission for 20% affordable housing would set a precedent for future applications.
- 56 affordable homes were better than none, but it was far fewer than the last time the application was considered.
- Frustrations about the affordable housing percentage were acknowledged.
- The housing land supply of the Council would continue to worsen if they deferred or refused applications.
- Officers had worked hard to come up with this compromised position, and they were inclined to support the proposal to grant permission.
- 20% affordable housing was very low, and they should work with developers who were looking to improve the nation rather than benefit from profit.
- If this application was not viable in an area where house prices were relatively high, it would not be viable in many other places.
- There was concern that they had not explored all the possible options for this application, and going from 40% from 20% was almost unexplainable.
- If the application was deferred, they should seek affordable housing partners willing to work with them, which would be a positive step towards getting the best out of the situation.
- The viability position had not worsened enough to justify a 50% reduction in affordable housing.
- This application had put the Committee in an impossible position, making them decide whether sub-standard development was better than no development.
- Granting permission for the application was not wanted, but the situation would only get worse if they did not do so.
- 281 homes would be put towards their housing land supply if granted.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that:

- The Applicant had agreed to the 20% affordable housing and financial contributions despite disagreeing with the figures in the independent review.
- Another application at Rhee Spring had been overturned after an appeal and been granted planning permission with 4.7% affordable housing.

In response to points made during the debate, the Senior Planning Officer advised that:

- Any future application with viability concerns would need to submit a viability assessment and would not be determined by the decision on this application.
- The Applicant could appeal a decision to refuse or defer the application on non-determination, and the professional opinion of officers was that the prospects for the Council at an appeal would be poor as it was a policy compliant scheme.
- If the application went to an appeal, the Applicant could also revert to their original position, and affordable housing and contributions could be decreased further.
- The prospect of an appeal was not a material planning consideration weighed in the planning balance. However, it is the environment in which the decision was being made.

In response to points made during the debate, the Locum Planning Lawyer advised that:

- The independent viability review confirmed that the original scheme was not deliverable, but to a different degree than was stated by the Applicant.
- If the application was deferred, they did not know when it would be reconsidered by the Committee and the viability position could get worse in that time.
- The viability could also worsen if the application was called in by the Government as it was an application for more than 150 dwellings.
- Members should consider whether the adverse effects of accepting 20% affordable housing and reduced financial contributions outweighed the benefits delivered by 281 dwellings.

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

RESOLVED: That application 24/02889/FP be **GRANTED** planning permission subject to:

- A) The completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters and the Applicant agreeing to extend the statutory period in order to complete the agreement if required;
- B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required;
- C) Providing delegated powers to the Development and Conservation Manager to decide on the projects for NHS contributions; and
- D) The conditions and informatives as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of the item there was a break in proceedings at 21:15 and the meeting reconvened at 21:27.

71 26/01178/FP MORRISONS SUPERSTORE, BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS

Audio recording – 02 hours 20 minutes 31 seconds

The Principal Planning Officer (Development Management) presented the report in respect of Application 26/01178/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Emma Fernandes

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

- Some works had been undertaken before planning permission had been granted.
- Existing CCTV cameras were not for consideration on this application, only the new cameras as outlined in the proposed plans.
- The application had been submitted by Morrisons and the CCTV cameras were to protect the air/vac units that would complement the EV chargers.

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

- There was concern over the cumulative impact of the commercial infrastructure that would cause an intensification of the industrial character of the site.
- CCTV cameras would violate privacy, and floodlights would light up their garden as per the lighting report.
- The new assessment had not considered the cumulative noise impact of all the proposed development across various applications.
- A response from the Environmental Health Team had still not been received.
- The site had progressively changed over the last 7 years, and this had caused uncertainty and stress, which had affected their mental health.

In response to a point of clarification from Councillor Emma Fernandes, Ms Fox advised that a floodlight had been switched off after the Store Manager had visited their home, as level of their home meant that they saw and heard everything in the adjacent car park.

The Chair thanked Ms Fox for their presentation and invited the second Public Objector, Ms Jackie Sayers, to speak against the application. Ms Sayers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- A similar application had been refused as seen at paragraph 1.7 of the report and living conditions had worsened for immediate neighbours since the EV charging points had been installed.
- The cumulative industrial intensification of the area would have a major effect, rather than a minor effect as detailed in the report.
- The noise impact assessment had not mentioned all the other noises that would arise from the car park such as car stereos and shouting above noise, and the cumulative effect of all noise should have been accounted for.
- Two applications on this site, which had been refused earlier in the year, had not been detailed in the report and this application should be refused for the same reasons.
- Paragraph 4.3.21 of the report mentioned that the CCTV cameras would face neighbouring dwellings, and the trees that screened them would soon be bare.
- Concerns had been expressed by the Letchworth Garden City Heritage Foundation on the impact to adjacent properties, contrary to the report, which stated that they had made no comments.

The following Members asked points of clarification:

- Councillor Claire Winchester
- Councillor Louise Peace

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

- Existing floodlights had not been switched off in all areas of the car park.
- They were planning to provide a verbal presentation on 26/00853/FP separately.

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

- Motor Fuel Group owned the car park rather than Morrisons.
- The report acknowledged that the air/vac units and CCTV cameras, alongside EV chargers would lead to an intensification of the industrial character of the site.

- This site was within the Letchworth Garden City conservation area.
- The cumulative effect did not assess the combined noise of all the equipment, and granting permission was conditional on the response from Environmental Health.
- A temporary stop notice had been issued at the site for the erection of floodlight poles, and more development would have taken place if this had not been issued.
- An Inspector on a similar application held controls to prevent unacceptable noise and disturbance, and that site had not even been within a conservation area.
- Members should account for Policy P3 in the revised National Planning Policy Framework (NPPF), which referenced cumulative effects on living conditions, and Policy D3 in the Local Plan, which required protection for residential harm to amenity, which provided the basis to refuse permission for this application.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Claire Winchester

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

- Motor Fuel Group Limited were the Applicant.
- A revised noise assessment had been submitted on 21 September, and granting permission would be subject to receiving no objection from Environmental Health on this.
- The application would not be reconsidered by the Committee if it was deferred due to the implementation of the National Scheme of Delegation later in October, and the decision would be made by the Case Officer instead.

The Chair thanked Ms Gray for their presentation and invited the Member Advocate Objector, Councillor David Chalmers, to speak against the application. Councillor Chalmers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There was a big question around how much more development they would allow to this car park before its character was completely changed.
- This application could not be considered in isolation.
- Substantial EV charging infrastructure, CCTV poles, air/vac facilities and floodlights represented a significant industrialisation of this car park within a conservation area.
- There was concern over privacy as there was no field of view provided for the CCTV cameras, and the Committee could not properly assess this without more information.
- The tree line screening the nearby homes from cameras was bare for many months of the year, and residents were entitled to know whether the cameras would overlook their properties.
- Air/vac facilities were not appropriate here as there would be engines running, radios playing, and conversations from people using these that would generate noise.
- There was a need for a CCTV field review and a cumulative noise assessment, and the Committee should refuse the application.

The following Members asked additional questions:

- Councillor Claire Winchester
- Councillor Martin Prescott
- Councillor Emma Fernandes
- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Martin Prescott

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

- They could not comment on acceptable noise levels on behalf of Environmental Health, but they would be conducting their assessment within the 7am – 10pm opening hours.
- A view splay would have to be agreed for the CCTV cameras where views outside the car park would not be permitted.
- If Environmental Health objected to the application, permission would not necessarily be granted.
- Clarification would be sought from Environmental Health on whether they would account for the cumulative noise impact of vacuuming, car engines and conversations.
- The application could be refused for different reasons depending on what the Committee agreed, such as being contrary to the character of the locality or adverse impact on the residential amenity.

In response to additional questions, the Locum Planning Lawyer advised that a covenant or transfer of a property document would be a civil matter outside of this application.

Councillor Claire Winchester proposed to refuse permission on the basis that increased development would harm the character of the area and have an adverse effect on the residential amenity of the immediate neighbours, and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

- Councillor Emma Fernandes
- Councillor Martin Prescott
- Councillor Claire Winchester

The following points were made as part of the debate:

- They would be minded to support refusal as there was industrialisation of the car park, which was in the middle of a conservation area in Letchworth Garden City.
- Development may be more acceptable in another location such as a service station or petrol forecourt out of town but was not necessary or acceptable here.
- Residents had made it clear that a small problem every day was a detriment to mental health and they had a right to live peacefully, which the application had not properly considered, and had not made an attempt to make better.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that delegated authority should be granted to the Development and Conservation Manager as they did not know whether there would be an adverse impact to form a second reason for refusal, and to finalise the suggested reasons for refusal, as follows:

- A) The proposed CCTV pole cameras and air/vac units would result in an unacceptable adverse intensification and visual impact, appearing out of context and harmful to the locality, failing to comply with the provisions of Policy D1 of the Local Plan and the aims of Policy DP3.1 of the National Planning Policy Framework.
- B) The residential amenity if North Herts Environmental Health respond with an objection to the application.

Councillor Claire Winchester, as the proposer, agreed to the suggested reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons, which was also accepted by Councillor Martin Prescott, as the seconder.

In response to a further question by Councillor Ruth Brown, the Principal Planning Officer (Development Management) advised that the Conservation Officer had not objected, which is why the conservation area had not been mentioned in the reasons for refusal.

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

RESOLVED: That application 26/01178/FP be **REFUSED** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

- A) The proposed CCTV pole cameras and air/vac units would result in an unacceptable adverse intensification and visual impact, appearing out of context and harmful to the locality, failing to comply with the provisions of Policy D1 of the Local Plan and the aims of Policy DP3.1 of the National Planning Policy Framework.
- B) The residential amenity if North Herts Environmental Health respond with an objection to the application.

N.B. Following the conclusion of the item, Councillor Ian Mantle left the Chamber at 22:11 and did not return.

72 26/00853/FP MORRISONS SUPERSTORE , BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS

Audio recording – 03 hours 02 minutes 41 seconds

The Principal Planning Officer (Development Management) provided a verbal update on matters relating to Application 26/00853/FP and advised that an amended plan had been received, which reduced the number of floodlights from 7 to 5, with four by the EV chargers, and one by the zebra crossing.

The Principal Planning Officer (Development Management) then presented the report in respect of Application 26/00853/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Emma Fernandes
- Councillor Claire Winchester
- Councillor Martin Prescott

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

- The floodlight poles had already been installed, but the floodlights had not.
- A condition could be recommended to have a back shield on the floodlights to stop light from spilling onto nearby houses.
- Floodlights were needed to light a darker corner of the car park during evenings.
- A sign on each EV charger detailed that they could not be used before 7am or after 10pm.

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

- Paragraph 4.3.3 of the report stated that the Applicant had previously confirmed that lighting would not be required for the EV charging units but had proceeded to erect them unlawfully anyway.
- Some of the previous floodlights were switched off almost immediately after installation due to the impact on neighbours, and the proposed floodlights were much stronger.
- Back shields would not prevent spill of lighting onto nearby houses.
- The Committee should refuse the application citing the harmful impact to the living conditions of residents, contrary to the Local Plan and revised National Planning Policy Framework (NPPF).
- Previous flood lighting was completely random in timing.

In response to a point of clarification from Councillor Tom Tyson, Ms Sayers advised that the proposed middle floodlight column would have 3 lights on it and could not imagine that the proposed floodlighting would be any weaker or less intrusive than the previous ones.

The Chair advised that they were approaching the 10.30pm cut as per Section 4.8.24(g) of the Constitution and advised that they would proceed with Agenda Items 9 and 10 and defer Agenda Items 11, 12 and 13 to a future meeting.

The Chair thanked Ms Sayers for their presentation and invited the Member Advocate Objector, Councillor David Chalmers, to speak against the application. Councillor Chalmers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application raised important questions on residential amenity and the integrity of the planning process.
- The Committee were being asked to approve floodlights after being assured that they would not be required.
- Lighting poles had been installed before planning permission had been obtained, and Planning Enforcement Officers had to intervene to stop further works.
- The deciduous tree line would not stop lighting from shining directly into neighbouring gardens during the winter.
- Wildlife in the area, which formed part of its character, would be disturbed by the flood lighting.
- Each application had been presented as a separate planning matter, but neighbours felt the cumulative effect of this as it was becoming an increasingly intensive industrial area, which should not be allowed through incremental applications.
- There was no compelling justification for why additional floodlights were needed.

N.B. Councillor Clare Billing left the Chamber at 22:28.

Councillor Claire Winchester proposed to refuse permission on the grounds of adverse impacts to the character of the area, and residential amenity through unnecessary floodlighting on nearby residential properties and gardens, and this was seconded by Councillor Martin Prescott

The Principal Planning Officer (Development Management) advised that:

- The draft reason for refusal could be that the proposed floodlights and poles would have an unacceptable adverse intensification and visual impact appearing out of context and harmful to the locality as well as causing harm to nearby residential amenity, failing to comply with the provisions of Policies D1 and D3 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.
- Delegated authority should be granted to the Development and Conservation Manager to finalise the reasons for refusal.

The Principal Planning Officer (Major Sites) advised that another reason for refusal could also be based on Policy DM8.2 of the NPPF if Members deemed that the erection of the floodlight poles prior to the grant of planning permission was unauthorised intentional development, and weight could be given to this.

Councillor Claire Winchester, as the proposer, agreed to the suggested reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons, which was also accepted by Councillor Martin Prescott, as the seconder.

N.B. Councillor Clare Billing returned to the Chamber at 22:32 and did not participate in the debate or vote on this item.

As part of the debate, Councillor Emma Fernandes highlighted that this application was egregious as the Committee had previously been told that floodlighting was not needed.

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

RESOLVED: That application 26/00853/FP be **REFUSED** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

- A) The proposed floodlights and poles would have an unacceptable adverse intensification and visual impact appearing out of context and harmful to the locality as well as causing harm to nearby residential amenity, failing to comply with the provisions of Policies D1 and D3 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.
- B) The erection of the floodlight poles prior to the grant of planning permission is unacceptable intentional development and is given substantial weight in accordance with the advice contained in Policy DM8.2 of the NPPF.

73 26/00262/FP LAND AT NEW POUND FARM EAST SIDE OF, OLD HALE WAY, HITCHIN, HERTFORDSHIRE, SG4 0SA

Audio recording – 03 hours 27 minutes 10 seconds

The Senior Planning Officer provided a verbal update on Application 26/00262/FP and advised that the recommendation was to grant permission subject to the receipt of no objection from the Environment Agency as they were being consulted on a revised flood risk assessment submitted by the Applicant.

The Senior Planning Officer then presented the report in respect of Application 26/00262/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Dave Winstanley

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

- It was unknown whether the dwelling would connect to the main sewage system.
- The dwelling would be market housing.
- Permission would not be granted if the Environment Agency upheld their objection.
- The land had been concluded to be Grey Belt using the Grey Belt assessment but was within a wider parcel of the Green Belt.

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

- There were no clear long-term intentions for the land after multiple applications had been submitted on it.
- Ickleford Parish Council had clearly articulated their reasons for objecting.
- The Environment Agency had rejected the flood risk assessment, and the revised version had not covered the questions raised by them on the previous version.
- The recommendation to grant permission should be revised or given more justification as it would go against the advice from the Environment Agency.
- The Inspector for the previous application on this land stated that substantial weight must be given to the harm to the Green Belt as very special circumstances had not been demonstrated, and the conclusion for this application should be the same.
- Harm to the Green Belt would also disengage the presumption in favour of development, as per the National Planning Policy Framework (NPPF).

The Chair invited the Applicant and their Representatives, Mr Bruce Parker, Ms Frances Barry and Mr Mike Jones 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:

- Planning permission was sought to build a modest dwelling to live in and to support and protect the land.
- The landowner did their utmost to create a landscape that supported biodiversity and ensured public access so that public wellbeing could be maintained.
- The dwelling would have exemplary environmental credentials and this should be encouraged in light of the climate crisis.
- This land formed a vital part of a wildlife corridor with a chalk river.
- The land was well used and appreciated by local people.
- A sensitively designed farm dwelling would reinforce the identity of the rural land, help to preserve its character, and provide security to protect it and secure its long-term future.

The following Members asked points of clarification:

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

In response to points of clarification, Mr Bruce Parker advised that:

- They would live in the dwelling once it was built.
- Pirton sewage system went through the land and it would be possible to connect to this.
- Wildlife in nearby chalk streams was monitored, and their sewage output was kept to a minimum.
- A new track for pedestrian access was being created at the bottom of the site, but the existing track would be made private.

In response to points raised in the verbal presentations, the Senior Planning Officer advised that a Section 73 application would need to be submitted to obtain a connection to the sewage system as the application form had advised that a connection would not be needed.

The following Members asked additional questions:

- Councillor Dave Winstanley

- Councillor Claire Winchester

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

- A self-build dwelling would require the Applicant to enter into a legal agreement, but this application was for market housing.
- The revised flood risk assessment superseded the original assessment.

Councillor Dave Winstanley proposed to refuse planning permission, and this was seconded by Councillor Val Bryant.

The following Members took part in the debate:

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

The following points were made during the debate:

- There would be unjustified harm to the character of the Green Belt and countryside.
- Material impacts identified by the Inspector on the last application had remained the same and had been downplayed in the report.
- There was a conflict at paragraph 4.3.4 of the report as the recent Green Belt Review found the land to be Green Belt rather than Grey Belt, and the development would erode openness, and could contribute to incremental encroachment on this parcel.
- This application would not join two settlements but would create pressure for further development within the wider parcel of land.
- The benefits of this application were modest as one house would barely impact the five-year housing land supply.
- If the concerns from the Environment Agency could not be addressed, the application was not satisfactory.
- The land on which this dwelling sat was not Grey Belt and would impact the Green Belt if granted permission.
- The dwelling would be behind an existing large barn.
- The previous application had only been refused as it had been designed for rural workers with no justification.
- The wider parcel of land had seen previous development, and the application should be approved if it was classed as Grey Belt.
- Building one dwelling would not make a difference to the openness of the area.

In response to points made during the debate, the Principal Planning Officer (Development Management) advised that the Inspector had declared the land as Grey Belt at the appeal and this did not require an assessment of openness as the harm on openness was not a consideration.

In response to further questions raised by Councillors Martin Prescott and Dave Winstanley, the Principal Planning Officer (Development Management) advised that:

- The principal of development would be established by granting permission.
- If the land had a weak or moderate contribution to purposes A, B or D of the Green Belt assessment in the NPPF, then they had to weigh harms and benefits of the application, and one dwelling would present a benefit.

- The appeal decision letter gave a steer on how the Planning Inspectorate classed this land.

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

Councillor Ruth Brown proposed to grant planning permission and Councillor Martin Prescott seconded and, following a vote, it was:

RESOLVED: That application 26/00262/FP be **GRANTED** planning permission subject to:

- A) The receipt of no objection from the Environment Agency and the addition of any recommended conditions.
- B) The conditions as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of the item Councillor Ruth Brown left the Chamber at 23:20 and did not return.

74 26/00021/FP 1 AND 3 PRIORY LANE, LITTLE WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7HE

Audio recording – 04 hours 10 minutes 39 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 26/00021/FP and advised that:

- A late neighbour representation had been received, which raised matters relating to loss of privacy, subsidence and the unresolved objection from the Environment Agency.
- New conditions were recommended to retain and protect the existing trees, and to install a 2.5m high fence along the boundary with no.32 Priory View to retain privacy and mitigate overlooking from the proposed dwellings, which would be implemented by the Development and Conservation Manager under the delegation of authority that would be granted to them if permission was granted.

The Senior Planning Officer then presented the report in respect of Application 26/00021/FP accompanied by a visual presentation consisting of plans and photographs.

The Chair invited the Public Objector, Wymondley Parish Councillor Paul Harding to speak against the application. Parish Councillor Harding thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and advised that:

- Under Section 38 of the 2004 Planning Act, the Committee was bound to determine the application on the material reality at the time the decision was being made.
- There had been a monumental change in circumstances since the application had been submitted as 300 dwellings had been approved on a site nearby, yet the report did not mention this.
- The new development doubled the size of Little Wymondley and created customer catchment in an area that desperately needed local services. Therefore, these commercial units were highly important.
- Unit 1 was a Class E unit that could transition into a grocery shop or pharmacy, and the physical infrastructure and retail layout was intact for both units.
- Granting permission would mean that a flexible community asset would be extinguished forever, which would violate the Neighbourhood Plan and contradict the National Planning Policy Framework (NPPF).

- The Council could not justify approving an application for 300 dwellings, and then removing the units needed to service them and ensure the future sustainability of the village.
- The application would comprise overdevelopment, be overbearing, and would erode structural integrity and quiet enjoyment of the adjoining properties.

In response to a point of clarification from Councillor Claire Winchester, Parish Councillor Harding advised that there were no other commercial units in the village.

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

- The existing neighbouring resident already had one property overlooking their garden and would have their property overlooked by a further two properties if this application was granted permission.
- Their right to privacy would be lost and this would also damage their ability to resell the house.
- There is no other funeral director within an 800-metre radius as referenced in paragraph 4.3.2 of the report, and their business would be a huge loss to the community.
- Paragraph 4.1.6 referenced retail facilities, but there would be none in the village if these units were demolished.
- Priory Lane had a history of flooding and adding homes to this would also impact on the ability to resell the homes.

In response to points made during the verbal presentations, the Senior Planning Officer advised that the application would require a condition to submit a section drawing for the rear gardens as a nearby resident had raised concerns about subsidence.

In response to points made during the verbal presentations, the Principal Planning Officer (Development Management) advised that:

- The 300-dwelling development had not required a shop to be provided.
- There may be more demand for commercial uses in the future, but the application was compliant with Policy ETC7 in the Local Plan as there were other commercial or industrial units within an 800-metre walk of the site.

The following Members asked additional questions:

- Councillor Emma Fernandes
- Councillor Caroline McDonnell
- Councillor Val Bryant

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

- It was approximately 9.8m from the back wall of the house to the fence.
- Permitted development rights for dormer windows had been withdrawn from the proposed dwellings to prevent overlooking from the third storey.
- A 2.5M fence would obscure any first-floor windows.
- This site was to the north of the Plume of Feathers.

Councillor Caroline McDonnell proposed to refuse permission due to the overlooking and loss of privacy, and the erection of a fence that could enclose the neighbouring resident, which was seconded by Councillor Claire Winchester.

The following Members took part in the debate:

- Councillor Claire Winchester
- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Caroline McDonnell.

The following points were made during the debate:

- A 2.5m fence would not be able to mitigate overlooking from the proposed dwellings, and their design was unsuitable considering the surroundings.
- It would be a shame to lose commercial units in the village and seemed counterintuitive considering the 300-dwelling development that had been granted permission.
- A high fence would be needed to retain privacy as the neighbouring property had dormer windows.
- Loss of employment should be accounted for through the loss of units.

In response to additional points raised by Councillors Caroline McDonnell and Martin Prescott, the Principal Planning Officer (Development Management) advised that:

- A reason for refusal based on the loss of units could be attributed to Policy ETC2 in the Local Plan, which supported the retention of business units where there was potential demand for their need.
- The Committee should delegate authority to the Development and Conservation Manager to finalise the reasons for refusal.

The proposer and seconder agreed to incorporate the additional reasons for refusal and to grant delegated authority to the Development and Conservation Manager to finalise the reasons for refusal and, following a vote, it was:

RESOLVED: That application 26/00021/FP be **REFUSED** planning permission for the following reasons, with delegated authority granted to the Development and Conservation Manager to finalise the reasons for refusal:

- A) The proposed dwellings would result in unacceptable adverse overlooking and loss of privacy to the immediate neighbour to the west failing to comply with the provisions of Policy D3 of the Local Plan and would result in a form of development failing to respond positively to the site's local context, failing to comply with the provisions of Policy D1 of the Local Plan and Policy DP3.1 of the National Planning Policy Framework.
- B) The loss of the commercial / business premises is objected to on the basis that they are occupied by business uses and due to the grant of planning permission for 300 homes in the village, it is anticipated that there will be the demand for local business or shop uses in the village in the long term. As a result, the retention of these commercial uses are protected by the provisions of Policy ETC2 of the Local Plan.
- C) Loss of local employment opportunities.

75 EXCLUSION OF PRESS AND PUBLIC

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be **DEFERRED** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

76 PART 2 MINUTES - 3 SEPTEMBER 2026

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be **DEFERRED** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

77 APPEALS

N.B. This item was deferred to a future meeting and therefore no recording was available.

As previously advised by the Chair under Agenda Item 8, this item would be **DEFERRED** to a future meeting of the Planning Control Committee in accordance with Section 4.8.24(g) of the Constitution.

The meeting closed at 11.49 pm

Chair

<u>Location:</u>	Land West of Ashwell Road, Bygrave, Hertfordshire SG7 5EB
<u>Applicant:</u>	Pathfinder Clean Energy (PACE) UKDev Ltd
<u>Proposal:</u>	Variation of Condition number 26 (CTMP) (as amended by information received 16 July 2026): vary the number of daily articulated lorry visits and the permitted hours of construction vehicle movements, of planning permission reference 22/00741/FP granted on 17.06.2024 for: Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended by information received 29 January 2024).
<u>Ref. No:</u>	26/01224/S73
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period 20th August 2026

Extension of statutory period 6th November 2026

Reason for Delay:

The initial officer report was delayed due to discussions and negotiations with Herts County Council Highways. As a result, the application was amended, additional information provided and further consultation exercises were undertaken as a result.

Reason for referral to Committee

At the time of writing this report, the application needs to be considered in context with the Council's scheme of delegation. The site area for this application for development originally exceeded the 1 ha and therefore under the Council's scheme of delegation, it should be determined by the Council's Planning Control Committee.

The new National Scheme of Delegation (NSD) comes into effect on 31st October. Under the NSD, this application would be a Schedule 2 application and require a 'Gateway' test. There is no transitional period, and a Gateway meeting cannot be held before 31 October 2026. If it is decided at the Gateway meeting that this application should be determined under delegated powers, then the application will be withdrawn from the agenda. If this application passes the Gateway test, then it will be considered by PCC. An addendum to this report will be published prior to the meeting to confirm the outcome of the Gateway meeting.

1.0 Site History

- 1.1 21/01446/SO - Screening Opinion – Solar Farm – No Environmental Impact Assessment required.
- 1.2 22/00741/FP – Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended) – approved
- 1.3 25/01999/DOC - Details reserved by Condition 27 (Access Engineering Drawings) of planning permission reference 22/00741/FP granted 17.06.2024 – pending
- 1.4 25/01995/DOC - Details reserved by Condition 17 (Details of the screening fabric) of planning permission reference 22/00741/FP granted 17.06.2024 – details agreed
- 1.5 25/02000/DOC - Details reserved by Condition 30 (Horse and Rider Management Plan) of planning permission reference 22/00741/FP granted 17.06.2024 – details agreed
- 1.6 25/00964/DOC - Details reserved by condition 18 (Written Scheme of Investigation) of planning permission reference no 22/00741/FP granted 17.06.2024. (revised WSI received 02.07.25) – details agreed
- 1.7 26/00313/DOC - Details reserved by Condition 24 (Soil Management Plan - Construction and Operational phases) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.8 25/02782/DOC - Details reserved by Condition 32 (Revised Mitigation and Enhancement Plan) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.9 25/02778/DOC - Details reserved by Condition 11 (LEMP and Mitigation Plan) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.10 25/02781/DOC - Details reserved by Condition 14 (Arboricultural method statement) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.11 25/02780 - Details reserved by Condition 12 (Landscaping Scheme) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.12 25/02711/DOC - Details reserved by Condition 10 (Species and habitat protection measures) of planning permission reference 22/00741/FP granted on 17.06.2024 – details agreed
- 1.13 25/01999/DOC - Details reserved by Condition 27 (Access Engineering Drawings) of planning permission reference 22/00741/FP granted 17.06.2024 – pending

- 1.14 25/01996/DOC - Details reserved by Condition 21 (External appearances) of planning permission reference 22/00741/FP granted 17.06.2024 – details agreed
- 1.15 25/01911/ DOC - Details reserved by Condition 6 (Construction Environmental Management Plan) of planning permission reference 22/00741/FP granted 17.06.2024 – details agreed
- 1.16 25/01998/DOC - Details reserved by Condition 26 (Construction Traffic Management Plan) of planning permission reference 22/00741/FP granted 17.06.2024 – details agreed

2.0 Policies

2.1 North Hertfordshire District Local Plan 2011 -2031

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP11: Natural resources

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE1: Strategic Green Infrastructure

Policy NE2: Landscape

Policy NE3: The Chilterns AONB

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting Open Space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE12: Renewable and low carbon energy development

2.2 Baldock, Bygrave & Clothall Neighbourhood Development Plan (2011-2031)

The Baldock, Bygrave and Clothall Neighbourhood Plan (BBCNP) was made in June 2021 and now forms part of the Development Plan.

Policy G3 Creating well-designed places

Policy V1 Bygrave village

2.3 National Planning Policy Framework (NPPF) (2026)

Decision-making policies (DM1 – 10)

Achieving sustainable development (S1 - 6)

Meeting the challenge of climate change (CC1 - 3)

Building a strong, effective economy (E1 - 4)

Securing clean energy and water (W1 - 4)

Making effective use of land (L1 - 3)

Achieving well-designed places (DP1 - 4)

Promoting sustainable transport (TR1 - 8)

Promoting healthy communities (HC1 - 8)

Pollution, public protection and security (P1 - 6)

Conserving and enhancing the natural environment (N1 - 6)

Conserving and enhancing the historic environment (HE1 - 10)

2.4 National Policy Statements

The National Policy Statements (NPSs) set out the government's policy for delivery of major energy infrastructure. They are published separately to policy in the National Planning Policy Framework (NPPF). The relevant Statements are -

NPSs for Energy (EN1)

Renewable Energy Infrastructure (EN3)

2.5 National Planning Practice Guidance (NPPG)

Reference ID: 5-001-20140306 – Why is planning for renewable energy important?

Reference ID: 5-013-20150327 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?

2.6 Supplementary Planning Guidance

North Hertfordshire Landscape Study 2011: Area 224 (North Baldock Chalk Uplands)

2.7 Other relevant Council publications

Council Plan 2020 – 2025

North Herts Climate Change Strategy

3.0 **Representations**

3.1 **Bygrave Parish Council** – three letters of objection following various consultations – initial letter (received June) confirmed following:

- Condition 26 – strong objection
- Condition 29 – position reserved pending receipt of further information*
- Condition 21 – supported but a further amendment requested below*

*details of objections to revisions to conditions 21 and 29 are not included as they no longer form part of this application.

General areas of objection in relation to variation of condition 26:

- Concerned that the Construction Traffic Management Plan and addendum make no mention of the work required in respect of the BESS.
- Applicant reneges on previous information provided to PCC on original application about delivery arrangements. The reason given by PACE for this increase in the construction timeframe is “refinements in the construction programme” is not credible.
- The reasons for shorted construction period are security and storage and residential amenity. Whilst the second reason is desirable the first is not credible.
- Applicant maximising of profits
- Proposal shows a lack of understanding of the impact that the construction traffic will have on people living along and/or using the construction. There should be engagement with a wider range of local people outside the parish of Bygrave.
- There is no credible explanation for the significant change in the estimated construction timeframe and associated traffic.

- Transport Note does not include all referenced documents which were allegedly submitted with the original application.
- Contrary to planning approval principles where a matter previously agreed need not be complied with
- Had the original application considered by the PCC on 17 June 2024 been based on a four-week window with eight daily articulated lorry visits, HCC Highways would have recommended refusal.
- Application to increase the limit on daily articulated lorry visits - three or four daily articulated lorry visits (as is now being requested) was firmly rejected by HCC Highways (via email from Matt Armstrong dated 18 April 2023).
- Application to increase the permitted hours for deliveries - we understand that the permitted hours for deliveries relate to the time which they enter the site. In retrospect, it would have been better if these referred to the permitted times of the earliest entry and latest exit onto Bygrave Road.

Traffic survey and data:

- January 2023 surveys used to assess the suitability of the proposed construction route and necessary mitigations, understated usual traffic volumes, traffic speeds and non-vehicular use.
- The proposed revised daily limit on articulated lorry movements would be a material increase in articulated lorry movements; potentially a quadrupling.
- Commitments given by PACE at the planning application stage with regard to traffic management have not been included in the Construction Traffic Management Plan.
- ATC Survey – speeds, volumes and turning county surveys – road conditions were not typical due to adverse weather conditions when the survey was undertaken and no allowance was made for this in the report by PACE (survey date 17 January 2023 to 26 January 2023).
- Comparison of traffic results for the two surveys – January 2023 and November 2023 – variation in survey results which is not clarified together with range of vehicle types.
- Technical Note TN01 – (i) Current access to and egress from the site and use by agricultural vehicles unclear (ii) Construction vehicle sizes have changed from original planning permission (iii) Road width assessment does not include passing places, lay-bys and road widenings along Bygrave Road and Ashwell Road. No such facilities exist. (iv) the proposed booking system is not included within the CTMP.
- Technical Note TN06 - (i) Proposed increase in articulated lorry activity is misleading and vastly understates the impact these additional articulated HGVs would have on the road network.
- Response to Bygrave Action Group - CTMP does not include the agreed commitment of a banksperson being located at the junction of the A507 and Bygrave Road to manage all construction movements and to ensure pedestrians can be accommodated safely at this location to minimise conflicts.

Mitigation measures (CTMP and Addendum):

- PACE's proposed mitigations are inadequate
- Revised hours for deliveries – the current wording of the condition restricting deliveries for different vehicle types is ambiguous and would need to be tightened up to make this clear.
- Exceptional circumstances (under which four daily deliveries would be permitted) – the current wording is too broad and should be tightened up to remove ambiguity and cover only situations that are outwith the control of PACE, its agents and its suppliers.
- Monitoring of the use of the exceptional circumstances provision – it is not sufficiently robust for the delivery log to simply be made available on request. It should be a requirement that at the end of each week a copy of the delivery log is provided to NHC, HCC Highways and Bygrave Parish Council.
- Community notification and liaison – PACE proposes to provide notification of the commencement of articulated lorry deliveries by writing to all residential properties on Ashwell Road within 500m of the site access. As explained in our letter of 1 June 2026, this is wholly inadequate. The notification letter needs to be sent to all residential and commercial properties within Bygrave Parish. It also needs to be sent to people living in the following properties which fall outside Bygrave Parish but which will be heavily impacted by the construction traffic: The Knoll and homes on Bygrave Road, Salisbury Road, Spring Close and Larkins. In addition, it should be sent to all residential properties in Ashwell, as Ashwell Road and Bygrave Road are widely used by Ashwell villagers to access Bygrave, Baldock and beyond.
- The letter also needs to be sent out earlier than five working days prior to commencement of articulated lorry deliveries as, allowing for use of mailing centres and delays in postal deliveries to rural areas, it is likely that the letters will not be received until after deliveries have started. People need to receive a minimum of five working days' notice which means the letters will likely have to be sent out 10-15 working days before commencement of deliveries to achieve this.
- We also consider that it would be appropriate to provide advance notification of the commencement of all deliveries not simply those by articulated lorry.
- Additional information required - we note that NHC and HCC Highways have been in correspondence with PACE in advance of the revised application being submitted. We politely request that full details of that correspondence be made available via the NHC Planning Portal.

- 3.2 **Ashwell Parish Council** – two letters of objection received following two consultations – reasons for objection:
- This level of traffic was deemed unsafe previously, the same concerns remain applicable to the current application. Original arrangement should be kept.
 - Use of public lay-by as a holding area for articulated lorries associated with the construction works unsafe and unreliable creating conflict between construction traffic and general traffic use.
 - Route between Bygrave and Cat Ditch are effectively single-track creating conflict for passing vehicles.
 - Contrary to Ashwell Neighbourhood Plan Policy ASH19: Accessible paths in the village and rural areas which requires safe conditions for pedestrians, cyclists and equestrians. An alternative HGV routing and access arrangements be investigated.
 - Contrary to NHLP Policy T1 – Assessment of Transport - the proposed increase in HGV movements requires a robust assessment of its effects on the local highway network, including highway safety and the interaction between HGVs and vulnerable road users.
 - Existing rural roads contain narrow sections and restricted-visibility bends where HGVs may be unable to pass other vehicles safely.
 - Increased HGV movements would consequently increase the potential for conflict with pedestrians, cyclists, horse riders, residents and other road users.
 - Additional HGV movements would result in unacceptable highway safety impacts.
 - Cumulative impact of the additional construction traffic should be taken into account.
 - Suitable traffic-management measures should be secured
- 3.3 **Environmental Health (Noise)** – no objections
- 3.4 **Environment Agency** – no comments
- 3.5 **Historic England** – not offering advice
- 3.6 **Upper Ouse Water Management Board** – no comments
- 3.7 **HCC LLFA** – no comments
- 3.8 **HCC Highways** – objected to initial S73 proposals. As amended, does not wish to restrict the grant of permission subject to revised wording.
- 3.9 **Herts CC Fire and Rescue** – no comments
- 3.10 **Herts CC Fire Hydrants** – no objection
- 3.11 **Herts CC Archaeology** – no comment to make
- 3.12 **HCC Ecologist** – no objection

3.13 Neighbour and local resident representations

The application has been advertised by neighbour notification letters, the display of site notices and press notices on two occasions – once when the application was received and once following the revision to the description. A total of 34 letters have been received. The areas of objection are as follows –

General matters:

- Intentional misleading approach by developer when original application considered
- Application contradicts the assurances given by the developer when the original application was considered, condition 26 was a fundamental condition imposed by members when original application was considered, permission originally granted on casting vote of chair,
- Inadequate mitigation measures
- Inadequate justification
- HCC previously confirmed that two to be the maximum number of visits
- Condition is not clear about whether vehicles are allowed to be on the local road network prior to the specified times

Adverse residential amenity impacts:

- increased noise
- increased pollution
- additional traffic

Adverse road safety impacts:

- pedestrians, runners, horse riders, cyclists affected by additional traffic along local delivery route,
- adverse impact on peak day traffic and additional time to make journeys
- poor visibility at North Road junction
- construction to occur as that in Ivel Springs
- need to observe 20mph speed limit
- existing road network is unsuitable for the development of this type and associated delivery vehicles
- alternative access should be sought
- road is narrow and is not made for larger trucks
- this does not include all the extra traffic / people who will be installing the solar panels etc
- pot holes made worse
- road edges will be churned up
- inadequate number of passing bays on narrow road network
- monitoring and enforcement of conditions unclear
- exceptional circumstances open to abuse – wording need to be tightened
- delivery records should be kept
- originally agreed restrictions should be adhered to
- additional time will adversely affect school traffic and commuters
- uncertain delivery vehicle assumptions
- lack of evidence
- inadequate mitigation
- uncertain build out period

- road traffic accidents on local roads has led to deaths over last 40 years
- local road network comprises single track roads with no pavements
- high probability of accidents arising from additional HGV traffic
- combination of HGV and parked cars and other large vehicles can block a road
- adverse impact on wildlife
- vehicle weight controls should be considered for the road network
- congestion and delays to local road users
- reasons set out by applicant for proposed variation are spurious and without merit
- combination of HGVs from both solar farm construction and other HGV users will create unacceptable impacts for local people
- increase of peak time traffic
- lack of notification about application from both NHC and applicant
- increased community notification should be undertaken
- applicant should be required to give advance public notice of all construction arrangements

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site comprises a single agricultural (arable) field north and north-west of the settlement known as Bygrave and west of the Ashwell Road. It measures 53.6 hectares in area. The site is broadly rectangular in shape and extends at a maximum, circa 1050m from north to south and 590m from east to west. The south-eastern corner of the site is adjacent to residential properties. There is an existing 33KV underground electricity cable located within the site adjacent to the south-western boundary.
- 4.1.2 The site is bordered along the northern and western boundaries by a Public Right of Way - Bridleway Bygrave 013, which forms part of the important and historic Icknield Way and the Icknield Trail for cyclists. The northern boundary is adjacent to Cat Ditch a water way under the jurisdiction of the Upper Ouse Water Management Board (formerly Beds and Ivel Drainage Board).
- 4.1.3 The site is outside of the settlement boundary and the south of the site abuts the Greenbelt. The wider area is rural in character with village of Ashwell located 2.5 miles north of Bygrave village. The A505 is located immediately east of the settlement.
- 4.1.4 The site is within the setting of listed buildings, Scheduled Monuments and is within an area of archaeological interest.

4.2 The Proposal

- 4.2.1 The application seeks to vary condition 26 previously imposed on planning permission 22/00741/FP (see 1.2 above).

4.2.2 The application description as originally submitted was –

Variation of Condition numbers 21 (External appearances): vary approved colour scheme. 26 (CTMP): vary amount of articulated lorry visits for no more than 4 weeks, and 29 (Enabling works): replace the wording "HGV movements" with "articulated lorry movements" of planning permission reference 22/00741/FP granted on 17.06.2024 for Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended by information received 29 January 2024).

4.2.3 Following an objection from Herts CC Highways, the application description was amended to –

Variation of Condition number 26 (Construction Traffic Management Plan - CTMP) (as amended by information received 16 July 2026): vary the number of daily articulated lorry visits and the permitted hours of construction vehicle movements, of planning permission reference 22/00741/FP granted on 17.06.2024 for: Ground mounted solar photovoltaic (PV) farm including battery energy storage; continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works (as amended by information received 29 January 2024).

4.2.4 Condition 26 (Construction Traffic Management Plan - CTMP) as currently worded is set out below. The specific areas to be amended are highlighted in bold –

26. Prior to the commencement of the development, a revised Construction Traffic Management Plan to CLOCS standard shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall confirm and identify details of:

- The full phasing of construction and proposed construction programme.*
- The methods for accessing the site, including wider construction vehicle routing and a commitment to not using the right to way network at any time.*
- **The numbers of daily construction vehicles including details of their sizes, at each phase of the development, with a commitment to a maximum of 2 articulated lorry visits per day (i.e. 4 two-way trips)***
- **The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ashwell Road / Bygrave Road) between 9:30am and 2:30pm only (as required by condition 5)***
- Details of construction vehicle parking, turning and loading/unloading*
- arrangements clear of the public highway.*
- Details of any hoardings.*

- *Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.*
- *The provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey*
- *The details of consultation with local businesses or neighbours.*
- *The details of any other Construction Sites in the local area.*
- *Waste management proposals.*
- *Signage*
- *Further assessment of the two tighter bends along Ashwell Road close to Wedon Way, with mitigation measures outlined if identified as necessary.*
- *Holding areas for HGV traffic associated with the development*
- *Ongoing monitoring of the construction route throughout the development construction*
- *Details of banksmen provision*

Reason: To ensure the impact of construction vehicles on the local road network is minimised

4.2.5 Details pursuant to the condition as set out in the original decision notice have been agreed under reference 26/01998/DOC (see 1.16 above). An addendum to the approved CTMP has been submitted (dated 16/07/26) as part of this S73 application and is considered as a supporting document to this application.

4.2.6 Through the revised condition and updated CTMP, the application seeks –

- Increasing the maximum number of HGV / articulated lorry visits per day from 2 to 3 (i.e. up from 4 to 6 two-way trips) and in exceptional circumstances, additional HGV visits. Any deliveries under ‘exceptional circumstances’ would be within the updated permitted delivery hours.
- The hours of operation and hours of all construction vehicle movements, with a commitment to all HGVs visiting the site (i.e. travelling along Ashwell Road / Bygrave Road) increased by half an hour in both the morning and afternoon to between 9:00am and 3:00pm only (as required by condition 5).

4.2.7 Condition 5 of the original permission also restricts delivery times and, in the event that permission was to be granted, this condition also would need to be revised to align with the updated condition 26 and CTMP. Current wording is set out below and revised wording is confirmed in the *Recommendation* section of this report –

5. HGV and articulated vehicle deliveries shall be restricted to 09.30hrs to 14.30hrs Monday to Friday and no time on Saturdays, Sundays or bank holidays.

Reason: In the interest of minimising noise and disturbance for the occupiers of nearby residential properties and in the interests of highway safety in accordance with Policies D3 and T1 in the Local Plan.

4.3 Background

- 4.3.1 The original planning application for the development - 22/00741/FP - was considered twice by PCC – September 2023 and June 2024. The relevant officer reports, supplements, minutes and decisions relating to the original application can be found here:

PCC – 14th September 2023 – [Agenda for Planning Control Committee on Thursday, 14th September, 2023, 7.30 pm | North Herts Council](#)

PCC – 13th June 2024 – [Agenda for Planning Control Committee on Thursday, 13th June, 2024, 7.30 pm | North Herts Council](#)

- 4.3.2 Section 73 (S73) of the Town and Country Planning Act 1990 allows a landowner to apply to the planning authority for planning permission for the development of land to either not comply or vary conditions imposed on an extant planning permission. When determining an application to vary or remove conditions on a S73 application, the local planning authority is limited to considering the conditions themselves and the impacts of the proposed variations. The principle of the development – in this case the use of the land as a solar farm – cannot be reconsidered. Evaluation the proposed variations against relevant local policies, the local development plan, Supplementary Planning Documents (SPDs) and the NPPF in so far as they relate to the condition under consideration. If the application is granted, then a new planning permission is issued separate to the previous planning permission which also remains valid. However, only one permission can be lawfully implemented.
- 4.3.3 As can be appreciated from section 1.0 of this report, applications to discharge conditions imposed on the original planning permission have been submitted. These have been subject to consultation with the necessary technical consultees. In the event Members decide to approve this application (creating a new planning permission), original and amended conditions would be imposed. Where conditions on the original application which are outside the scope of this application (i.e. not to be amended) have been submitted and approved already, officers recommend that any new permission requires that development be carried out in accordance with such approved details. Conditions that have not been submitted and approved, would appear in their original format on any new decision notice. As with all conditional matters, decisions are delegated to the Head of Development Management and Conservation.

4.4 Main considerations

- 4.4.1 The only issues for consideration are those arising from the variation of condition 26. Policy *TR6: Assessing transport impacts* of the recently revised *National Planning Policy Framework (NPPF)* sets out the policy requirements for developments. This confirms the supporting documents required to accompany applications, how to assess the severity of their impact and confirming that proposals that would have a 'severe adverse impact' (including those during the construction phase) on the transport network should be refused.

The original application - 22/00741/FP

4.4.2 In considering the application in September 2023, Members resolved to defer determination for a number of reasons. Reason 2 was *“For officers to advise upon and Members to consider late submissions relating to the effect of the proposal upon traffic and access.”*

4.4.3 In reporting the application back to Members in June 2024, the officer report confirmed –

“In relation to reason 2 of the previous deferral, the applicant has confirmed that the construction period will not be affected by the commitment to a maximum of 2 HGV movements per day. This will be achieved by the implementation of a vehicle booking system that ensures deliveries are scheduled effectively and a strategy to minimise construction material quantities as much as possible. The temporary construction compound (to be provided as ‘permitted development’) will be used for material storage and facilitates more effective transportation of materials rather than on a ‘just in time’ basis. This is a minimal level of HGV movements, and these would occur as part of a controlled and managed construction period, supported by a range of mitigation measures, as agreed with Herts CC Highways, as detailed at Section 4 of the Transport Note.”

4.4.4 It concluded –

“Officers acknowledge that there continues to be significant concerns from local people about the impact the construction period will have on highway safety. Herts CC Highways has confirmed that the assessment of the proposal is based on best practice and is informed by site visits, with accurate ‘on-the-ground’ measurements at regular intervals, cross-referenced with Ordnance Survey mapping lines, photographs, written descriptions, and further assessments. In addition, the assessment and suitability of the proposed access is informed by –

- *traffic counts and speed surveys;*
- *speed and volume counts;*
- *tracking plans of large vehicles using the route;*
- *visibility levels (at the proposed access, the North Road/Bygrave Road junction, and forward visibility splays along the full route);*
- *accident data (over the past 40 years, even though the standard is only 5 years);*
- *site visits of the whole route undertaken both by car and on foot;*
- *measurements of the carriageway at key points;*
- *input from Herts CC Network Management team, Traffic Data and Modelling team Safety team, Rights of Way team, and Development Management team;*

It is apparent from this that from a highway safety perspective, a robust and thorough assessment of the proposal has been undertaken.”

The S73 application as originally submitted

4.4.5 The S73 application as validated on 21 May 2026 sought to vary conditions 21 (colour scheme for plant and machinery) and 26 (daily HGV movements) and 29 (enabling highway works). Details pursuant to condition 21 have been agreed under reference 26/01996/DOC. Details pursuant to condition 29 were submitted with the original application and do not therefore need to be agreed with the local planning authority prior to commencement of development. However, as such works are within the public highway, the separate agreement of the highways authority is needed under the Highways Act. The applicant is no longer seeking to vary these conditions.

4.4.6 In relation to condition 26, the applicant provided the following supporting documents –

- *Transport Note: S73 application*
- *Addendum V7.3 Construction Traffic Management Plan (CTMP) topham*

4.4.7 The Transport Note (TN) accompanying this application explaining the rationale for altering the wording of the condition concluded by saying –

6.1.1 Apex Transport Planning has been instructed by Pathfinder Clean Energy (PACE) to prepare this Technical Note in support of a Section 73 application relating to the approved Tophams Solar Farm at Land West of Ashwell Road, Bygrave. The Section 73 application seeks a temporary, time-limited variation to Planning Condition 26 of permission 22/00741/FP, allowing a maximum of 8 articulated lorry arrivals per day (16 two-way movements) for a defined period of no more than 4 consecutive weeks during the PV module and mounting frame delivery phase. Outside that window, the existing 2-artic/day baseline secured by the approved Framework CTMP would resume.

6.1.2 The Section 73 application introduces no change to the approved construction route, no change to the approved site access arrangements, no change to the approved vehicle type (16.5m articulated HGVs), and no change to the approved Framework CTMP controls. The proposals relate solely to the frequency of already-approved articulated vehicle movements during a defined and tightly controlled phase of the construction programme.

6.1.3 Following refinements in the construction programme, the overall construction traffic generation associated with the development is now anticipated to be lower than that previously assessed and accepted as part of the approved planning application. This is primarily due to the proposed delivery strategy, which would accommodate a greater proportion of construction materials via articulated HGVs during a short and tightly controlled temporary 4-week uplift period, reducing the overall number of delivery vehicles required across the wider construction programme.

6.1.4 Based on the latest contractor programme requirements, the construction programme is currently anticipated to generate approximately 603 construction deliveries overall, compared with approximately 750 deliveries previously assessed within the approved CTMP submitted in support of the planning application. Whilst the final construction vehicle profile may continue to evolve as contractor logistics and delivery

arrangements are refined, the current anticipated construction traffic generation remains materially lower than that previously assessed and accepted.

6.1.5 Of the anticipated construction deliveries, approximately 226 deliveries would comprise 16.5m articulated HGVs associated primarily with the delivery of photovoltaic modules and mounting frames, equating to approximately 452 two-way articulated HGV movements across the overall construction programme.

6.1.6 The route, vehicle types and associated mitigation measures have already been assessed through the planning application, which was accompanied by a framework CTMP. The accommodation of articulated vehicles along the access route has been accepted in principle by HCC subject to the implementation of the agreed management controls and conditions.

6.1.7 The two-articulated HGV per day cap secured by Condition 26 was a negotiated daily management figure agreed during the CTMP process, rather than a fundamental safety threshold. The reason for Condition 26 does not cite a specific policy of the North Hertfordshire Local Plan and relies on the general transport policies of the National Planning Policy Framework (December 2024). The proposed temporary variation has accordingly been assessed against the NPPF tests at paragraphs 115 and 116, namely whether the proposals would result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network.

6.1.8 The proposed uplift would result in a relatively low level of articulated HGV activity across the approved delivery window, equating to approximately one articulated vehicle movement in either direction every 18-19 minutes, on average on the peak construction days (which would not occur every day during the uplift period).

6.1.9 An inbound articulated HGV travelling along Ashwell Road / Bygrave Road would typically encounter only approximately 5 opposing vehicles, even when assessed against peak southbound background traffic flows, and assuming no vehicle platooning. As such, the proposals would not result in a continuous or intensive pattern of articulated HGV activity and any passing interactions would remain limited and capable of being appropriately managed through the approved CTMP controls and supplementary mitigation measures as part of this S73 application.

6.1.10 The proposals would allow the peak articulated delivery phase to be completed within a defined and tightly controlled temporary window, rather than requiring articulated HGV activity to be spread across a substantially longer period of the approved construction programme. This would reduce the duration over which background traffic would be subject to temporary construction traffic activity and associated management measures along the approved route.

6.1.11 The proposals would therefore not result in a severe impact on the operation of the surrounding highway network, nor would they give rise to an unacceptable impact on highway safety. As such, they are fully in accordance with the National Planning Policy Framework (NPPF).

6.1.12 It is therefore considered that there are no transport or highway related reasons which would justify objection to the proposed Section 73 application.

4.4.8 The addendum to the already approved Construction Traffic Management Plan (CTMP) sets out the new arrangements around this matter. It covers the following matters –

- *Justification for the Revised Daily Limit*
- *Exceptional Circumstances Provision*
- *Traffic Management Measures*
- *Delivery Scheduling and Booking System*
- *Traffic Marshal Provision*
- *Community Notification and Liaison*
- *Route Geometry, Forward Visibility and Updated Survey*
- *Oncoming Delivery Holding Bay*
- *Daily Monitoring and Reporting*

4.4.9 The CTMP addendum should be read in conjunction with the CTMP as approved under reference 25/01998/DOC. A copy can be found here –

[Documents for reference 25/01998/DOC: Public Access](#)

4.4.10 The formal consultation response in full from Herts CC Highways Unit relating to the original submission is set out below –

Condition 26 requires a full Construction Traffic Management Plan (CTMP) for the proposed solar farm and includes a number of bullet point measures. One of these is a limit on the number of articulated lorries to two per day (i.e. 4 two-way trips). The applicant has submitted a Transport Note (19/5/2026) and an Addendum to the CTMP (15/5/2026) which both set out an increase to articulated lorry movements to a maximum of 8 per day (i.e. 16 two-way trips) for a four-week period.

The applicant approached the Highway Authority earlier this year to request an increase in articulated lorry numbers to 4-per day (i.e. 8 two-way trips) on the basis of “factors outside the control of the developer, including adverse weather conditions, temporary road incidents, emergency events and wider network disruption”. We agreed to this on the basis they do not overlap on the highway network along Bygrave Road / Ashwell Road and take place between the hours of 09:30-14:30. In addition, ‘Exceptional circumstances’ also needs to be defined, and we suggested the following logged events were legitimate reasons to allow for this higher level as a result of delayed deliveries:

- *Adverse weather conditions;*
- *Temporary road incidents;*
- *Emergency works on delivery routes;*
- *Other unavoidable delay of delivery (please specify).*

The information now submitted for the latest request to accommodate up to 8 articulated lorries per day over a 4-week period points to the existing traffic surveys, which already show 13 OGV2 movements (4-axle rigid and articulated vehicles) per day along Ashwell

Road (thus demonstrating that the road already experiences these types of vehicles). The applicant says they will manage articulated lorry movements by holding them on-site and ensuring they only leave when there is not an approaching articulated lorry coming to their site. They go on to outline that if the increase is not allowed then it will increase construction work time by 14 weeks and “would generate approximately 700 additional worker vehicle movements on Ashwell Road over that period, in addition to all other associated HGV movements arising from the extended programme”.

The Highway Authority has carefully considered the request and is unclear why the works will be extended by 14 weeks, or how there will be 700 additional worker vehicle movements when reassurances were given at the original planning stage that construction was feasible in the 35-week window with the 2-artic per day limit.

The proposed increase of up to 16 articulated lorry movements per day would more than double the existing number of observed OGV2's per day (13) along this route, and the applicant has no control over these existing HGVs on the road. This means the potential for one of the applicant's articulated lorries to meet another large oncoming HGV or articulated lorry increases, which is the exact occurrence the Highway Authority was trying to minimise through the 2-per day level.

The original vehicle tracking exercises undertaken showed that there are regular opportunities for cars to pass by articulated lorries along the approach route, which will be the most common daily scenario during construction. However, if a larger vehicle (e.g. a large van or an HGV) meets an oncoming articulated lorry, there are very few sections of the route which can comfortably accommodate this. Whilst such a scenario tends to generally work itself out if, as, and when they happen, it often results in notable damage to kerbs, verges, embankments, and sometimes even minor vehicle damage. There are also matters to consider around the slower deceleration rates of larger vehicles, and the need for possible awkward reversing manoeuvres to find a spot where two larger vehicles can pass by one another. Taken together, notably increasing the likelihood of this scenario occurring represents not only a highway safety concern, but also driver frustration and adverse effects to the free flow of traffic.

Furthermore, the Transport Note and CTMP Addendum give no consideration to the potential impact of the proposed increase on pedestrians, cyclists, horse riders, and other more vulnerable users of the public highway network.

The Highway Authority would be willing to consider a compromise which involves increasing the delivery hours by one hour, to between 09:00-15:00 (which largely retains the avoidance of school opening and closing times), and increasing the maximum number of articulated lorries to 3 per day (i.e. 6 two-way movements). This represents roughly 1 articulated lorry movement an hour. The latest additional mitigation measures proposed by the applicant would need to be included for this increase.

Turning to condition 29 (which requires the North Road / Bygrave Road junction to be widened and the crossing point / central pedestrian island moved slightly forward), the

applicant wishes to change the wording of this to enable construction to commence in advance of that work, using rigid HGVs.

They state that the improved junction design is only necessary once articulated lorries start to use the junction, given the wider roadspace they need for manoeuvrability purposes. However, the junction improvement is needed not only to accommodate the larger turning circle of articulated lorries, but to also mitigate against the notable increased number of HGVs generally. This is a junction which is well used by pedestrians crossing over it, and the redesign is necessary to improve visibility to/from all directions for both approaching drivers and pedestrians and ensure the overall crossing experience is not made more intimidating by the increase in construction related HGVs.

With all the above in mind, the Highway Authority recommends that the proposed changes to the condition wordings is not granted.

The S73 application as now proposed

4.4.11 Following the above response from Herts CC Highways, the applicant revised the application on 16 July 2026. The revisions comprised –

- *The removal of the temporary four-week increase to 8 articulated lorry visits per day and a request for a permanent limit of a maximum of 3 articulated lorry visits per day (i.e. 6 two-way trips) throughout the construction period, in place of the current limit of 2 visits per day (i.e. 4 two-way trips).*
- *The permitted hours for construction vehicle movements are to be amended from 09:30–14:30 to 09:00–15:00, as discussed with the Highway Authority.*
- *In clearly defined exceptional circumstances, a maximum of 4 articulated lorry visits per day (i.e. 8 two-way trips) would be permitted, as set out in the Exceptional Circumstances (see below for further details)*
- *The variations previously sought to Condition 21 (External Appearances) and Condition 29 (Enabling Works) are withdrawn.*

4.4.12 To accompany this revised application description, the applicant provided the following updated documents –

- *Technical Note TN06: Revised Articulated Vehicle Limit*
- *Updated Addendum V2-V7-3-CTMP*

4.4.13 Additional supporting technical documents referred to in the originally submitted TN were also provided in September 2026 –

- *C22028.TN04.Iss3 - Ashwell Road_TN - Access*
- *C22028.TN03.Iss1 - Ashwell Road_TN - Response to BAG Comments*
- *C22028.TN02.Iss1 - Ashwell Road, Bygrave_Transport Note*
- *C22028.TN01.Iss1 - Land West of Ashwell Road_Transport Note*
- *JTC 17.01.23_Locations 1-4 26/01224/S73*
- *ATC Data 24.01.23-26.01.23*

- ATC Data 17.01.23-23.01.23
- SS1274 Hertfordshire ATC Site 1 _05.11.23-11.11.23
- SS1274 Hertfordshire ATC Site 2 _05.11.23-11.11.23
- C22028.TN05.Iss1 - Ashwell Road_TN

4.4.14 Herts CC Highways confirmed in their updated response –

The proposed change to the wording of condition 29 (which requires the North Road / Bygrave Road junction to be widened and the crossing point / central pedestrian island moved slightly forward), is no longer being pursued by the applicant.

In terms of condition 26, following the Highway Authority's concerns raised about increasing the daily articulated lorry movements per day to 8, the applicant has now submitted a Technical Note, 'TN06:daily Revised Articulated Vehicle Limit' and 'Addendum (V2) to Construction Traffic Management Plan'.

These documents present a case for a lower increase to 3 articulated lorry visits per day (i.e. 6 movements), with the delivery hours extended by one hour to become 09:00 - 15:00. The documents also set out some extra mitigation, such as further banksmen presence. The proposed increase from 2 to 3 articulated lorry visits per day is accepted, alongside the slightly extended delivery hours.

The documents also set out an increase to 4 articulated lorry movements per day under clearly defined exceptional circumstances. This includes:

- *Adverse weather conditions;*
- *Temporary road incidents;*
- *Emergency works on delivery routes; or*
- *Other unavoidable delay to a delivery (with the specific cause recorded in the daily movement log).*

If the LPA is content that enforcement can be effective under these definitions, then the Highway Authority does not object to this 'exceptional circumstances' clause being included.

Matters raised by third parties and proposed mitigation measures

4.4.15 As can be appreciated from the Sections 3.0 of this report, there remains opposition to the proposed revised HGV arrangements. These objections and concerns have been considered by officers and taken into account where relevant. Where responses raised issues of a highway nature, these have been shared with Herts CC Highways colleagues and considered as part of their formal responses to this application.

4.4.16 The LPA is bound by the limits of the S73 application and cannot seek changes that were previously considered acceptable as part of the original application. Therefore, neither the principle of the development of the site as a solar farm or an alternative access can be considered as they would fall outside the scope of this application. The original permission has approval for two HGV / artics per day along Ashwell Road and Bygrave Road. The consideration for this application is limited to whether the increase from 2 to 3 HGV / artics

per day is acceptable or not together with the additional 30 minutes each end of the day for such deliveries.

4.4.17 *Traffic counts / survey data* - Herts CC Highways has confirmed that traffic counts provided as part of the S73 TN were undertaken and provided to inform the decision making on the original planning application. In its responses on the original application, it acknowledged that there are monthly fluctuations in traffic volumes, and that during the summertime in particular it would be expected to see more pedestrians and cyclists along the route than their surveys show.

4.4.18 *Pre-application discussions* - Bygrave Parish Council has requested that details of pre-application discussions be shared in the public domain. Officers can confirm that there were discussions between the applicant, Herts CC Highways and the case officer during the processing of the many of the conditional matters relating to the original planning permission including the CTMP as now approved under 25/01998/DOC. These conversations centred around two issues (i) whether the wording of condition 26 allowed for a deviation from the agreed HGV limit and with the local planning authority concluding that such a change would be outside the scope of the condition (ii) the merits of making an application under Section 73 (i.e. the application now under consideration). This application is the result of those discussions. The advice and position of Herts CC Highways is set out in the two formal consultation responses which are set out above.

4.4.19 *Revised hours for deliveries* – the approved CTMP (reference 25/01998/DOC) confirms that –

“3.7. Delivery times will be restricted to 09.30 and 14:30 from Monday to Friday and with no deliveries on Saturdays, Sundays or Public Holidays in accordance with condition 26. Light vehicles (site staff/contractors) may arrive and depart outside these HGV hours within the normal site working day (08:00–18:00 Monday to Friday; 08:00–13:00 Saturday).”

4.4.20 Although condition 26 as currently worded alludes to the fact that HGV vehicle delivery times relate to Ashwell Road and Bygrave Road, the existing CTMP does not make this explicit. For the avoidance of doubt, an updated CTMP Addendum should confirm that these HGV time restrictions relate to these roads.

4.4.21 *‘Exceptional circumstances’ clause* – this relates to the circumstances under which four daily deliveries would be permitted has been discussed further with Herts CC Highways colleagues. It is considered that the definitions in this clause could be tightened to avoid any misunderstanding or misuse. These circumstances should relate to genuinely sudden events like severe weather (e.g., flash flooding, black ice), serious multi-vehicle collisions causing major road closures. These are set out below and broadly align with HGV driver rules. Confirmation from Herts CC Highways is awaited on this point and an update will be provided prior to the meeting.

Existing proposed wording	Revised proposed wording
Adverse weather conditions	Severe weather – when they pose a risk of amber or red impacts
Temporary road incidents	Severe traffic incidents and mechanical breakdowns
Emergency works on delivery routes	Emergency works to roads in the UK are defined under the New Roads and Street Works Act 1991 (NRSWA) as urgent repairs needed immediately to stop or prevent danger to people or property
Other unavoidable delay to a delivery With specific cause recorded in daily movement log	Any event that causes or is likely to cause danger to the life or health of people or animals
	Interruptions of ferry services (panels most likely will be imported from China).

- 4.4.22 *Monitoring of the use of the exceptional circumstances provision* – it is normal practice to make the delivery log available to either representatives from the district or county council on request. This would typically occur as part of an unannounced officer visit to the site. Officers consider that the proposed arrangements (i.e. making the logs available to both NHC and HCC officers upon request) are reasonable and consistent with normal practice for major developments.
- 4.4.23 *Community notification and liaison* – the current arrangement is for the developer to provide notification of the commencement of articulated lorry deliveries by writing to all residential properties on Ashwell Road within 500m of the site access 5 days before HGV vehicle deliveries commence. Section 3.1 of this report set out Bygrave Parish Council's preferred arrangements for notification of articulate lorry deliveries. Officers have carefully considered the request and discussed with Herts CC Highways colleagues. Officers consider the proposed arrangement of notification and liaison to be reasonable and consistent with protocols on other major sites with the addition that electronic notifications are sent to the parish clerks of both Bygrave and Ashwell Parish Councils and both NHC Planning Unit and Herts CC Highways.
- 4.4.24 *Additional banksperson at the junction of the A507 and Bygrave Road* - this request has been raised with colleagues at Herts CC Highways. An update on this matter will be provided prior to the meeting.
- 4.4.25 *Residential amenity* – NHC Environmental Health officer has not raised any objections to the revision of conditions application on noise or pollution grounds.

- 4.4.26 *Publicity of the planning application* - in relation to the notification of this application by the local planning authority, it can be confirmed that the application has been subject to extensive consultation including two rounds of notifications to persons responding to the original application, site notices displayed on two occasions and advertisements in the Comet newspaper. The council has fulfilled its statutory requirements in terms of notification.

5.0 Conclusion

- 5.1 Planning permission was previously granted for the use of the site as a solar farm under reference 22/00741/FUL. Permission is sought to vary the condition 26 (CTMP) of that permission, both the number of daily HGV / articulated deliveries and the time periods within which deliveries can be made. Associated condition 5 is affected by this proposed changed and would also need to be amended in the event that permission is granted.
- 5.2 Section 73 (S73) of the Town and Country Planning Act 1990 allows a landowner to apply to the planning authority for planning permission for the development of land to either not comply or vary conditions imposed on an extant planning permission. When determining an application to vary or remove conditions on a S73 application, the local planning authority is limited to considering the conditions themselves and the impacts of the proposed variations. The principle of the development – in this case the use of the land as a solar energy generation – is not being reconsidered.
- 5.3 Consultation with Herts CC Highways has been carried out and no objection is raised on technical highway grounds to the proposed variation of the condition.
- 5.4 The CTMP addendum sets out a range of mitigation measures to alleviate the impact on both the local road network and local communities. Further refinement of the addendum is recommended by officers and the scope of this is set out in paragraphs 4.4.15- 4.4.25 above. Subject to the developer agreeing to these revisions and submitting a revised addendum, officers do not consider there to be grounds to object to the application. These adherence to these matters would be secured under a revised condition 26.
- 5.5 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is officer's view that the proposed development would accord with the development plan including the NPPF and NHLP, and that there are no reasons to withhold permission. As such, the application is recommended for approval subject to conditions.

6.0 Alternative Options

- 6.1 None applicable.

7.0 Pre-Commencement Conditions

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

8.0 Legal Implications

- 8.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to

refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

9.0 Recommendation

9.1 *That planning permission be **GRANTED** subject to the following:*

A) the submission of a further revised CTMP addendum that commits to amending the matters set out in paragraphs 4.4.19 to 4.4.24 inclusive

B) conditions set out below with delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and

Standard Time Limit

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

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

Approved plans

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

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

3. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity grid (First Commercial Operation). Written notification of the First Commercial Operation shall be given to the local planning authority within 30 days of the site becoming operational.

Reason: the proposal seeks permission for a temporary period only.

Noise

4. The hours of construction work shall be limited to 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and no working Sundays and Bank Holidays.

Reason: In the interest of minimising noise and disturbance for the occupiers of nearby residential properties in accordance with Policy D3 in the Local Plan.

5. HGV and articulated vehicle deliveries shall be restricted to 09.30hrs to 15.00 hrs Monday to Friday and no time on Saturdays, Sundays or bank holidays unless there are exceptional circumstances as defined through the CTMP and any associated addendum and as secured by condition 26 of this permission."

Reason: In the interest of minimising noise and disturbance for the occupiers of nearby residential properties and in the interests of highway safety in accordance with Policies D3 and T1 in the Local Plan.

6. The development shall be carried out in complete accordance with the Construction Environmental Management Plan as approved under reference 25/01911/DOC unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences. (S73)

7. Prior to the first commercial operation of the proposed development, as per Section 6.10 and figure 4 of submitted "proposed solar and battery energy storage scheme, Ashwell Road, Hertfordshire, Noise Impact Assessment" Report reference R10082-1 Rev 1 dated 23 June 2023 prepared by 24 Acoustics, full details of the proposed sound barrier shall be submitted to and approved in writing by the local planning authority. Following approval, the barrier shall be installed prior to the development becoming operational and retained for the duration of the development.

Reason: to protect the amenity of existing residents in accordance with Policy D3 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

Decommissioning

8. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the First Commercial Operation, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to the local planning authority for its written approval. The Scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The Scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and timescales set out therein.

Reason: the proposal seeks permission for a temporary period only and to ensure the site is appropriately decommissioned and the land is restored following its cessation as a solar farm. In the interests of highway safety and residential amenity.

Flood Risk and Drainage

9. The development shall be carried out in complete accordance with the Flood Risk Assessment (FRA) dated November 2022 (author - Hydrock - 18867-HYD-XX-XX-RP-FR-0002) and specified mitigation measures (section 6) contained therein.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased risk of flood on or off the site resulting from the proposed development and to ensure the mitigation measures detailed in the FRA are adhered to in accordance with the NPPF and Policy NE7 in the Local Plan.

Ecology and Biodiversity

10. The development shall be carried out in complete accordance with the species and habitat protection measures approved under reference 25/02711/DOC unless otherwise approved in writing by the Local Planning Authority. (S73)

Reason: To ensure that before any development commences appropriate species and habitat protection measures agreed and implemented in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan. A pre-commencement condition is required as it addresses construction works.

11. The development shall be carried out in complete accordance with the Landscape and Ecological Management Plan (LEMP) and the Mitigation Plan as approved under reference 25/02778/DOC unless otherwise agreed in writing by the local planning authority. (S73)

Reason: To enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

Detailed Landscaping scheme

12. The development shall be carried out in complete accordance with the landscaping scheme as approved under reference 25/02780/DOC unless otherwise approved in writing by the local authority. (S73)

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2, NE12, D1 and SP12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

13. Within the first planting season following the completion of construction works, the agreed landscaping and biodiversity proposals shall be implemented in full.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with policies NE4, NE12 and SP12 in the Local Plan.

Trees

14. The development shall be carried out in complete accordance with the arboricultural method statement with tree and hedge protection as approved under reference 25/02781/DOC unless otherwise approved in writing by the local planning authority. (S73)

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with the NPPF and Policies NE2 and NE12 in the Local Plan. A pre-commencement condition is required as the tree protection must be in place prior to construction works commencing.

Agricultural use

15. Within one year of the First Commercial Operation of the solar farm hereby approved, a Grazing Management Plan (GMP) shall be submitted to the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. The GMP shall not be carried out except in accordance with the approval. Any changes to the GMP during the lifetime of the permission shall be submitted to the Local Planning Authority for approval and shall not be carried out except in accordance with that approval. Within three years of the first operational use of the solar farm, the grazing of livestock shall commence on the site in accordance with the GMP.

Reason: To ensure that part of the site remains in agricultural use in accordance with the NPPF and policy NE12 of the Local Plan.

Boundary treatments and screen

16. The fencing permitted as part of this development shall be as follows unless otherwise agreed in writing by the Local Planning Authority –

- 2 metre high wire mesh deer type to the southern, eastern and western boundaries;
- 2 metre high heavy duty wooden pressure treated post and rail fence with Equi-Fencing attached and green or black screening fabric attached to the northern boundary.

All fencing shall include Wildlife Friendly Pathways as set out in the details agreed as part of condition 12. With the exception of the fencing to the northern boundary which

shall be erected prior to any development works commencing, all other boundary treatments shall be erected prior to the first commercial operational use of the solar farm. All boundary treatments shall be retained thereafter for the duration of the development.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with policies D1 and NE12 in the Local Plan.

17. The development shall be carried out in complete accordance with the screening fabric details as approved under reference 25/01995/DOC unless otherwise agreed in writing by the local planning authority. (S73)

Reason: To safeguard users of the bridleway from glint and glare and to minimise the visual impacts of the development in accordance with policies NE12 and T1 in the Local Plan.

Archaeology

18. (a) The development shall be carried out in accordance with the Archaeological Written Scheme of Investigation prepared by Abrams Archaeology (version 1.2) dated 16 May 2025 as approved under reference 25/00964/DOC insofar as it relates to *1. The programme and methodology of site investigation and recording and 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

(b) Prior to the first commercial operation of the proposed development, full details of *2. The programme for post investigation assessment, 3. Provision to be made for analysis of the site investigation and recording, 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation and 5. Provision to be made for archive deposition of the analysis and records of the site investigation* shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details. (S73)

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

19. The development shall take place in accordance with the programme of archaeological works set out in the WSI approved under condition 18.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving

and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

20. Prior to the First Commercial Operation of the development for the exportation of electricity, the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 18 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological assets within the approved development boundary from impacts relating to works associated with the development and to ensure that proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development in accordance with policies contained in the National Planning Policy Framework and Policies HE4 and NE12 of the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

External appearance

21. The development shall be carried out in complete accordance with the details approved under reference 25/01996/DOC (colour finishes of all solar panels, frames, ancillary buildings, cctv poles and cameras, equipment, and enclosures approved as part of this development) unless otherwise approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the development hereby permitted. (S73)

Reason: To ensure an appropriate visual appearance in the interests of minimising impact on the landscape in accordance with the NPPF and policies D1 and NE12 in the Local Plan. A pre-commencement condition is required because the investigation works must be undertaken before construction commences.

Fire Suppression

22. Notwithstanding the Fire Risk Statement submitted, before the first commercial operational use of the development/ first commercial operational use of the batteries, a revised detailed Fire Risk Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of fire suppression systems to be incorporated into the site. The Statement shall also demonstrate consideration of best practice measures and guidance on the risks associated with battery storage and appropriate mitigation measures set out in publications by both the National Fire Chiefs Council and Fire Protection Association. Thereafter, the Fire Risk Statement shall be implemented and adhered to in perpetuity of the development.

Reason: to ensure that fire risks arising for the operation of the solar farm are minimised in accordance with Policies D3 and NE12 in the Local Plan.

Panel cleaning

23. Prior to the First Commercial Operation of the development, details of the cleaning procedure for the panels shall be submitted to, and approved in writing by, the local planning authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation. The cleaning of the panels shall thereafter take place in accordance with the approved details.

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF and policy NE12 in the Local Plan.

Soil Management

24. The development shall be carried out in complete accordance with the Soil Management Plan as approved under reference 26/00313/DOC unless otherwise approved in writing by the local planning authority. (S73)

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF, Defra guidance and policy NE12 in the Local Plan.

25. To ensure against soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed or similar and it should be restored to a pre-construction condition within 6 months following the First Commercial Operation. For the first three years following the First Commercial Operation, inspections of the planting and soil shall be carried out by a qualified soil scientist, to ensure adequate growth of the planting and that any compaction or channelisation of the soil can be identified and addressed. Any remedial work identified in the inspection should be confirmed in writing to the Local Planning Authority and shall be carried out within the planting season following the inspection (November to March).

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF, Defra Guidance and policy NE12 in the Local Plan.

Highway Safety

26. The development shall be carried out in complete accordance with the Construction Traffic Management Plan as approved under reference 25/01998/DOC and as amended by Updated Addendum V2-V7-3-CTMP (to be updated as appropriate). (S73)

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

27. (a) The development shall be carried out in complete accordance with the details approved under reference 25/01999/DOC unless otherwise approved in writing by the local planning authority.

(b) The access as approved shall be in place to the satisfaction of the Local Planning Authority before construction of the development commences and shall be the sole point of construction access at all times.

Reason: To ensure a construction access that is safe and suitable for the highway environment and to accommodate the level and type of vehicles to use it.

28. Within 6 months of the commencement of construction work, plans illustrating how the construction and emergency access will be amended to take account of the decommissioning of HGV movements and to allow for use by maintenance and emergency vehicles only shall be submitted to and approved by the Local Planning Authority, in consultation with the Highway Authority. The revised plans shall include details of width, visibility splays, vehicle tracking diagrams, permanent surface materials, and other associated highway design considerations. The approved plans shall be implemented in full to the satisfaction of the Local Planning Authority within 3 months of completion of the construction of the development and thereafter retained in perpetuity of the development.

Reason: To ensure a suitable permanent access that is safe and suitable to accommodate ongoing maintenance and emergency vehicles.

29. Prior to the commencement of any HGV movements associated with the development construction, temporary alteration works to the North Road / Bygrave Road junction for the duration of the construction period, as shown indicatively on drawing number C22028-ATP-DR-TP-007, shall be undertaken and retained for the duration of construction period. Within 3 months of the construction work being completed, the junction shall either be returned to its original design or an alternative design which demonstrates long term betterment for highway users.

Reason: To ensure the North Road / Bygrave Road junction is safe and suitable to accommodate the level and type of vehicles to use it associated with development construction, whilst retaining a safe and suitable environment for all other highway users.

30. The development shall be carried out in complete accordance with the Horse and Rider Management Plan as approved under reference 25/02000/DOC unless otherwise agreed in writing by the local planning authority. (S73)

Reason: To ensure the safety of horse riders for the duration of the construction period.

31. Prior to the installation of any CCTV cameras, details of measures to restrict the camera movements along the southern boundary of the application site to prevent viewing towards residential properties located on Ashwell Road shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter, the CCTV cameras shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the privacy of adjacent residential properties.

32. The development shall be carried out in accordance with the Mitigation Plan as approved under reference 25/02782/DOC unless otherwise approved in writing by the local planning authority. (S73)

Reason: To ensure there is a site wide plan that illustrates all the approved mitigation measures.

Fire Hydrant provision

33. Before the first commercial operational use of the batteries, details of a fire hydrant shall be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant shall be provided in accordance with the approved details prior to the first commercial operational use of the batteries.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities.

Battery Energy Storage System

34. Before the installation of the batteries or associated engineering works hereby permitted, a detailed layout plan of the Battery Energy Storage System compound shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an appropriate layout and to understand the precise extent of associated concrete foundations in the interests of minimising the extent of operational development and soil impacts in accordance with the NPPF and policy NE12 in the Local Plan. A pre-installation condition is required because the details must be understood before construction commences.

Proactive Statement:

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

Informatives:

1. 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 website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

2. Obstruction of public highway land: 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 website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> telephoning 0300 1234047.

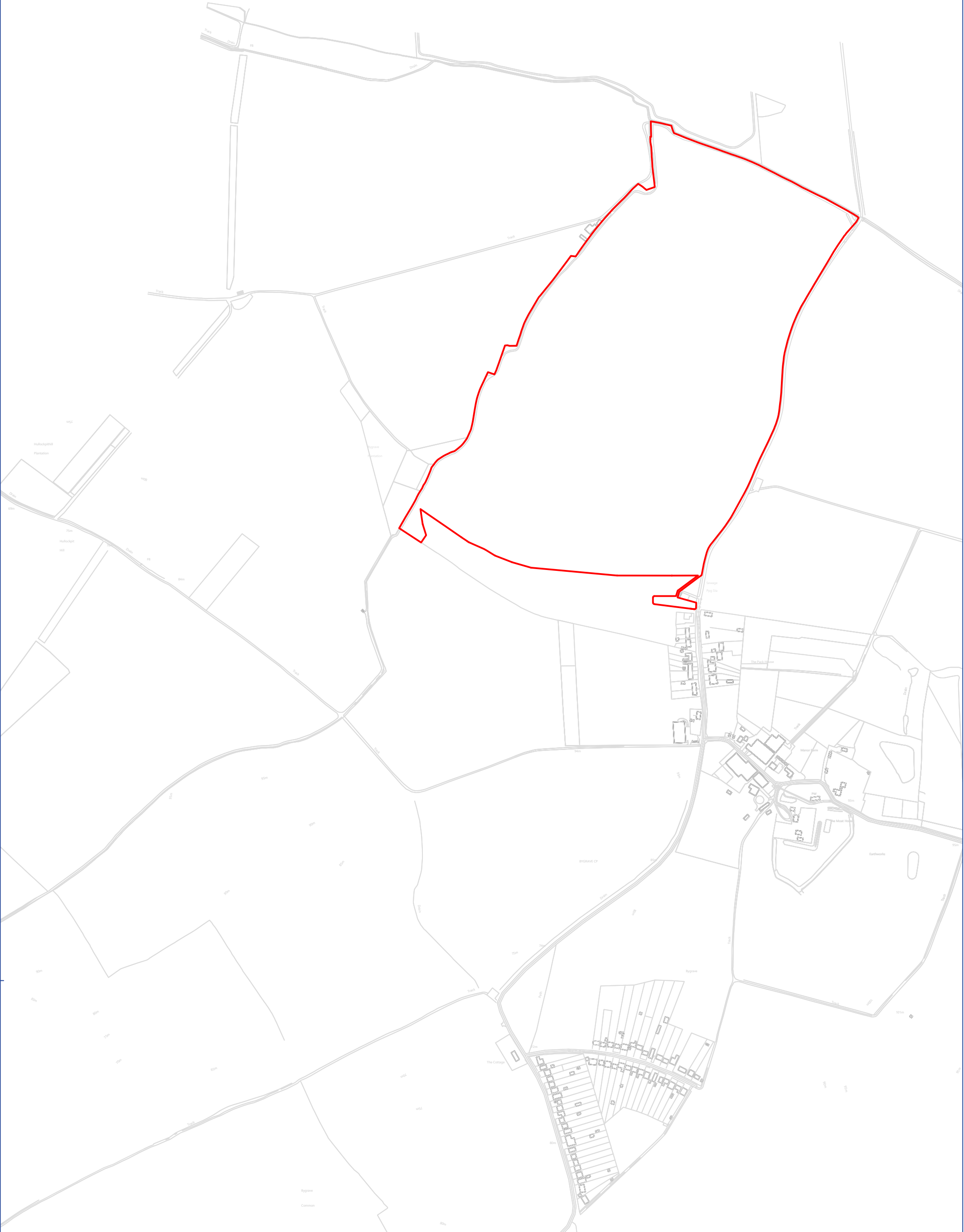
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. 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 website.

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

5. Any proposed discharge of surface water to the watercourse will require the Beds and Ivel Internal Drainage Board's approval. The northern boundary of this site is under the statutory control of the Board and in accordance with the Board's byelaws, no development shall be permitted within 9 metres of bank top.

6. All temporary highway and post construction reinstatement works required by condition 29 shall be agreed and undertaken as part of the s278 works to be agreed with Herts County Council Highways Unit.



Scale:		1:7500 (A3)	Drawing Title:		Key Planning Application Area
Redline:		53.62 ha / 132.5 acres	UKF092_08 Location Plan		
			Site:		

			Date:	Revision:	Page 59
			11/03/2022	0	
Filename:	UKF092 EXT.dwg		Crown Copyright. All rights reserved. Licence Number: 100019980		

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 5 November 2026

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr M Malone	14 October 2026	Erection of detached double garage following demolition of existing detached garage. Installation of front boundary metal railings.	17 Wymondley Road Hitchin SG4 9PH	26/01983/FPH	Householder Appeal Service

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PLANNING CONTROL COMMITTEE

DATE: 05 November 2026

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Earl Kennaugh	Two storey and part first floor front extension, single storey rear extension and installation of front and side canopies. Erection of attached double garage.	Standelfield Standhill Road Hitchin SG4 9AE	26/00523/FPH	Appeal Dismissed on 12 October 2026	Delegated	The Inspector stated that the drawings fail to accurately portray the existing house architecture, including the array of chimneys, or demonstrate how the proposed additions would integrate successfully with this. In combination, these changes would erode the simple form and established character of the property, by appearing a series of unsympathetic and incoherent additions. As such, the principal conflict is with North Hertfordshire Local Plan 2011-2031 (2022) (LP) Policy D2 (House extensions, replacement dwellings and outbuildings), which requires extensions to be sympathetic to the main house. Although the house has its own unique character and spacious setting, distinct from the surrounding built environment, these proposals nonetheless fail to respond positively to this local context, in further conflict with LP Policy D1 (Sustainable design) over sustainable design. Furthermore, this scheme would not be the good design that LP

						SP9 (Design and sustainability) considers to be a key aspect of sustainable development.
Mr Jim Caudle	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	Appeal Dismissed on 19 October 2026	Delegated	The Inspector stated that the proposed development would have a harmful effect on the character and appearance of the area. In that regard it would conflict with Policy SP9 (Design and sustainability) and LP Policy D1 (Sustainable design) which require, amongst other things, that developments are well designed and located; and respond positively to local context. It would also be inconsistent with the good-design objectives of the Framework.



Appeal Decision

Site visit made on 7 October 2026

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2026

Appeal Ref: 6012629

Standelfield, Standhill Road, Hitchin, Hertfordshire SG4 9AE

- 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 Earl Kennaugh against the decision of North Hertfordshire District Council.
 - The application Ref is 26/00523/FPH.
 - The development proposed is two storey and part first floor front extension, single storey rear extension, installation of front and side canopies and erection of attached double garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published the revised National Planning Policy Framework (the Framework) on 17 August 2026, after this appeal was made. Although this makes substantial amendments, its policies over achieving well-designed places remain generally consistent with those of the previous version. With regard to the issues in this appeal, it has not been found necessary to seek the further views of parties over this recently published Framework.
3. The refusal notice erroneously references North Herts Local Plan¹ (LP) Policy D3 (protecting living conditions), rather than Policy D2 (house extensions). Having alerted the main parties to this mistake, my decision takes account of LP Policy D2, rather than Policy D3 over which no conflict had been found.

Main Issue

4. The effects of the proposal on the character and appearance of the dwelling and its surroundings.

Reasons

5. Standelfield is a large, detached house occupying an elevated position in the centre of a mature garden with surrounding trees and vegetation. Evidently this dwelling once occupied larger grounds, parts of which have since provided the sites for adjacent developments. Nevertheless, this large, square plan dwelling is comfortably accommodated within its remaining plot, with ample space for the additions proposed to three of its sides.

¹ North Hertfordshire Local Plan 2011 – 2031, adopted 8 November 2022.

6. The Council's refusal was based on the cumulative harm of these additions on the character and appearance of the existing house and its surrounding area. As the surrounding development is of a varied nature, and Standelfield stands apart from this, considerations relate mainly to the impacts on the host dwelling. Historic environment considerations do not apply, as the house is neither listed nor within a conservation area. However, as the appellant fully acknowledges, this does not avoid the policy requirement for a high quality of design, in keeping with the building's character and that of its surroundings.
7. The proposal to extend the dwelling is acceptable in principle, and satisfactory in terms of protecting neighbouring living conditions, access, parking and all other relevant planning considerations, beyond that in dispute. However, the absence of harm in these other regards comprise neutral factors and provide no counterbalance to any adverse effects relating to character and appearance. Despite mature vegetation partly screening the property in external views, there remains a requirement in LP Policy D2 for any extensions to be sympathetic to the existing house.
8. The Council's refusal is based on the scale, massing, form and composition of the proposals resulting in visually dominant and poorly integrated additions to the host dwelling. The appellant's case to the contrary, is that the matching external materials and joinery, consistent roof forms and complementary detailing proposed would provide a coherent overall design to the extended house.
9. To my mind, this house has no obvious front and rear, with the square plan and spacious setting providing four equally significant and architecturally coherent elevations. The three extensions proposed relate to different angles of the house, set apart from each other but in combination found by the Council to be poorly integrated, 'bolt-on' additions of a visually intrusive and incongruous form.
10. The single-storey extension would be of a flat roofed design with raised rooflights, of a subservient height and scale to the main house. It would project from the elevation opposite to that fronting the entrance from Sandy Grove, which faces onto an open area of raised lawn. This is currently a pleasing elevation, with a row of classically proportioned upstairs sash windows, and a downstairs bay window. The drawing of the existing rear elevation shows the central downstairs window higher than it actually is, as I noticed its sill matches that of the adjacent bay window. As with the existing elevations generally, the drawings do not portray the oversailing roof at the eaves which is a strong feature of the architectural character of this house. Whilst not visible from the public realm, this side of the house contributes to its overall cohesive character. Although occupying a side of this elevation that is mainly blank, apart from a somewhat nondescript door, this extension would appear rather jarring, detracting harmfully from the square plan, plain elevational character of the house design.
11. To be read visually as a later addition, this extension should at least be set back slightly from the main wall of the left side of the house. The drawings are contradictory and insufficiently clear over this critical detail. This single storey extension therefore also harms the appearance of the left-hand side elevation of the original house. This side faces onto a well wooded area, where the grounds slope steeply away from the dwelling. This vegetation screens the property in external views. Nevertheless, this extension remains unsympathetic to the appearance of this aspect of the house. Although the brickwork is intended to

match the main house, the fenestration proposed on the side elevation of the extension contrasts somewhat with its adjacent part. This might matter less if this contemporary addition was differentiated by being set back from the side wall of the main house, which the plans are insufficiently clear over.

12. The attached side garage would be a larger addition but still subordinate in height and scale to the main house. Its rather plain design, including what appear from the drawings to be rather ordinary garage doors, would appear anachronistic on a house which, according to a date plate, was built in 1906. Attached to the main house, this double garage would also detract from its appearance from two sides, compounding the harm deriving from the single storey extension. It strikes me that a detached coach house design might have appeared more contemporaneous with the architecture of the main house, avoiding the incongruous 'bolt-on' appearance of an attached double garage. The proposed garage roof plan suggests this to be dual pitched with gable ends, whereas the elevations indicate this as hipped to all four sides. Again, the conflicting and poorly detailed drawings provide little assurance that an attached garage as proposed would fit in acceptably with the architectural character of the main house.
13. The side of the dwelling viewed from the entrance from Sandy Grove, nominally the front elevation, displays rather unbalanced fenestration but remains generally in character with the house as a whole. The two storey and part first floor front extension proposed to this would project outwardly a relatively small amount and attempts to provide somewhat better balance. Its hipped roof incorporates an existing chimney, although the proposed roof plans do not demonstrate how this would be managed. This two storey extension, and its associated roof configuration, appears a complex arrangement to provide just two upstairs en-suite bathrooms and somewhat incidental ground floor storage space. The cantilevered first floor section is supported by a pillar, with existing ground floor windows retained below. These pillars continue along the elevation, topped by a glazed canopy and framing the other ground floor openings. Along with the entrance canopies on the other side doors, these features seem somewhat at odds with the original character of the house. The Council's concerns over the front elevation appearing overly crowded and unbalanced, with an incoherent arrangement of fenestration and competing architectural features resulting in a lack of visual harmony, appear to me to be well founded.

Conclusion

14. The drawings fail to accurately portray the existing house architecture, including the array of chimneys, or demonstrate how the proposed additions would integrate successfully with this. In combination, these changes would erode the simple form and established character of the property, by appearing a series of unsympathetic and incoherent additions. As such, the principal conflict is with LP Policy D2, which requires extensions to be sympathetic to the main house. Although the house has its own unique character and spacious setting, distinct from the surrounding built environment, these proposals nonetheless fail to respond positively to this local context, in further conflict with LP Policy D1 over sustainable design. Furthermore, this scheme would not be the good design that LP Policy SP9 considers to be a key aspect of sustainable development.
15. I am mindful that the unlisted status of the house means there is limited control over certain changes, some of which might be achievable through permitted

development rights. However, these factors are not argued in the appellant's case, and my decision responds to the proposals before me. These would have a harmful effect on the character and appearance of the dwelling and its surroundings. This gives rise to a conflict with the LP when considered as a whole, which continues to reflect the key principles for well-designed places set out in the revised Framework. Material considerations would not indicate a decision otherwise than in accordance with the development plan and, as a consequence, I conclude the appeal fails.

Jonathan Price

INSPECTOR

Appeal Decision

Site visit made on 12 August 2026 by S Jamieson BA(Hons) MPlan MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2026

Appeal Ref: 6008747

Everglades, Maiden Street, Weston, Hertfordshire SG4 7AA

Easting (526011) Northing (230302)

- 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 Jim Caudle against the decision of North Herts Council.
 - The application Ref is 25/02950/FP.
 - The development proposed is the erection of a detached self-build bungalow with integral garage, to include associated parking and boundary fencing following demolition of existing storage buildings and garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure and Preliminary Matter

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. A new National Planning Policy Framework (the Framework) was published on 17 August 2026. Having given the main parties an opportunity to comment on the changes introduced, my decision reflects this recently revised Framework.
4. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

6. The appeal relates to the front garden of a detached dwelling located at the end of a private cul-de-sac. The landscaped driveway currently serves three detached dwellings which are set back behind generous front gardens and parking areas. Together with the landscaped lawns, mature trees, hedgerows and planting, this gives the cul-de-sac a verdant and spacious quality that makes a positive contribution to the character and appearance of the area.
7. The officer's report considers that the external appearance of the proposed dwelling, in terms of its form and materiality, would not cause harm to the character and appearance of the area. From my own observations, given its low-profile,

simple design and use of materials that would reflect some neighbouring dwellings, I agree with that assessment.

8. In terms of its scale and siting however, the proposed dwelling would be positioned very close to the shared boundary with Homefield House and would occupy a significant proportion of the plot between the rear boundary wall and the shared driveway. When combined with its close proximity to Everglades and the narrow space that would be retained between the appeal dwelling and the neighbouring garage, this would give the site a markedly cramped and overdeveloped appearance that would be at odds with the spacious pattern of development that positively contributes to the character and appearance of the cul-de-sac.
9. I note that a neighbouring dwelling, 'Kyrenia', was constructed after being allowed at appeal in 2021. While this property occupies a smaller plot than Amberley and Everglades, the bungalow is smaller than the proposed dwelling, is set further away from its boundaries and is sited further back from the driveway than the proposed dwelling. Moreover, the separation between Kyrenia and the two neighbouring properties, Tinkers Hill and Amberley, is greater than that proposed, resulting in a more spacious form of development. Thus, the Inspector in that appeal concluded that the bungalow would be modest in size and sit suitably within its plot.
10. I note that the appeal site includes the landscaped driveway between the proposed dwelling and Maiden Street. However, this is a shared access and, given its siting and orientation relative to the proposed dwelling, would appear physically separate from it and would not be perceived as forming part of the dwelling or its garden. Therefore, even if the proposed dwelling would only occupy 10% of the appeal site, this would include the shared driveway and would not mitigate or overcome the loss of spaciousness arising from its scale, siting and relationship with neighbouring dwellings. These findings are notwithstanding the dwelling's bespoke design or the fact that amendments were made to the design of the dwelling during the course of the planning application.
11. While the appeal scheme would involve the removal of the large, underutilised storage structure, this would not justify the harm that would arise out of what would be put in its place. A condition restricting the upward extension of the dwelling would also not overcome the issues raised.
12. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. In that regard it would conflict with Policy SP9 and Policy D1 of the North Hertfordshire Local Plan 2011-2031 (2022) (Local Plan) which require, amongst other things, that developments are well designed and located; and respond positively to local context. It would also be inconsistent with the good-design objectives of the Framework.

Other Considerations and Planning Balance

13. Policy S4(1) of the Framework sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies. According to Policy S4(1)(c) of the Framework, one such circumstance is where a proposal conflicts with a national policy that indicates development should be refused.

14. At Policy DP3(3), the Framework states that development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy. This establishes that development proposals should respond to their context so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings. For the reasons given above, the proposal would fail to respond to the local context and would cause harm to the character and appearance of the area. It would therefore conflict with the aforementioned policies of the Local Plan, and the design objectives of the Framework. I attribute substantial weight to this conflict.
15. In favour of the proposal, it would constitute infill development in a sustainable location. The Council is also unable to identify a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing as required under paragraph 8 of Annex D to the Framework. Indeed, the Council is only able to demonstrate between 2.6 and 3.3 years' worth of housing land supply, and the shortfall is therefore significant. Policy HO7 of the Framework indicates that substantial weight should be given to the benefits of providing homes that would help address the evidenced accommodation needs of the community. While the provision of one dwelling would make a small contribution in terms of meeting the need for specialist housing for older or disabled people, this is an important factor given the Council's housing land supply position.
16. In addition, the proposal would allow the appellant to downsize but remain in the area. It would also provide a safe, accessible and functional home that would exceed minimum building regulation standards, allow access for emergency services and would provide off-street parking and charging for an electric vehicle and mobility scooter. In the context of a single dwelling however, such benefits would be limited in magnitude and are therefore attributed no more than moderate weight. I have also considered the appellant's intention that the dwelling would be self-build. However, no planning obligation or other mechanism has been provided to secure the development as self-build or custom housebuilding. Furthermore, there is no substantive evidence before me that the Council is failing to meet its duties in this respect. Accordingly, I attach this benefit limited weight.
17. The effect of the proposal on the living conditions of future occupiers of the proposed dwelling or the occupiers of neighbouring properties is not contested by the Council, nor have they raised any concerns regarding its impact upon trees. On the evidence before me, I see no reason to disagree. I also note that the appeal site is not located within a conservation area and that the Parish Council raised no objection. The small garden might also be attractive to some occupiers, with an attractive outlook provided over the front garden and drive. However, these are neutral factors in the assessment of this appeal.
18. I acknowledge the letters of support received for the proposed development, and whilst I have considered the factors in support of the development in my recommendation, they do not outweigh the harm that would be caused in terms of the character and appearance of the area
19. Drawing these matters together, I find that substantial weight should be afforded to the provision of an additional dwelling. However, in this case, the delivery of a single dwelling would make a limited contribution towards meeting the unmet need for specialist housing for older people and reducing the housing shortfall. Consequently, even when taken together with the other benefits identified, these

considerations do not substantially outweigh the harm arising from the poor design of the proposal and its conflict with the good design requirements of the Local Plan and the corresponding objectives of the Framework.

20. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a protected characteristic to which the PSED applies. I have also had regard to rights conveyed within the Human Rights Act.
21. The appellant has referred to a health condition and a mobility issue. The proposal would provide them with accessible accommodation, which is a matter of importance to which I have afforded considerable weight. It is unclear however as to whether the same outcome could not be met by other, potentially less harmful, means. Therefore, the harms I have identified are such that a dismissal of the appeal would be a proportionate and necessary response that would not be outweighed by the requirements of the PSED.

Conclusion and Recommendation

22. For the reasons given, I find that the benefits of approving development are substantially outweighed by adverse effects. The proposed development 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, I recommend that the appeal is dismissed.

S Jamieson

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR