

Location:           **Land to The South East of Bury Farmhouse  
Bury Lane  
Codicote  
Hertfordshire  
SG4 8XX**

Applicant:           **Mr Joe Doherty**

Proposal:           **Erection of one detached two-bed single storey dwelling and shed following demolition of existing stables.**

Ref. No:             21/02708/FP

Officer:             **Ben Glover**

**Date of expiry of statutory period: 15/11/2021**

**Extension of statutory period: 25/02/2022**

**Reason for Delay:**

In order to present the application to an available committee meeting.

**Reason for Referral to Committee:**

The application has been called in by Cllr Ian Moody for the following reason:  
*"The application would mean loss of green belt"*

**1.0 Site History**

1.1 06/00005/1 – Erection of barn, 5 stable building and hay barn/field shelter/tractor shelter/storage building following demolition of existing stable building – Approved on 04/04/2006.

**2.0 Policies**

**2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt  
Policy 3 – Settlements within the Green Belt  
Policy 26 – Housing Proposals  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

**2.2 National Planning Policy Framework**

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt Land  
Section 16 – Conserving and enhancing the historic environment

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable Development in North Herts  
SP2 – Settlement Hierarchy and Spatial Distribution  
SP5 – Countryside and Green Belt  
SP6 – Sustainable Transport  
SP8 - Housing  
SP9 – Sustainable Design  
SP13 – Historic Environment  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
T1 – Assessment of Transport Matters  
T2 – Parking  
NE1 - Landscape  
HE1 – Designated Heritage Assets

### 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

### 3.0 **Representations**

#### 3.1 **Site Notice:**

Start Date: 08/10/2021

Expiry Date: 31/10/2021

#### 3.2 **Press Notice:**

N/A

#### 3.3 **Neighbouring Notifications:**

Nine representations have been received. Nine objections have been received from No. 1, 2 and 3 Bury Farm, 73 and 166 High Street , which are summarised below:

- The proposals would have a greater impact upon the Green Belt openness in this case.
- Residential paraphernalia would cause visual blight and erosion of openness.
- The new access would be an unacceptable incursion across Green Belt land. Hard surfacing has a clear impact as it is an urbanising feature.
- The development fails to meet the requirements of P149 g) of the NPPF.
- The impacts of the development would significantly and demonstrably outweigh the modest benefits of the proposed development.
- The proposed access road would be immediately adjacent to the rear gardens of 1,2 and 3 Bury Farm Barns. The development would result in noise and exhaust fumes, materially harming living conditions of the occupiers.
- Development would result in a loss of privacy.
- Danger to pedestrians using the current public access footpath as a result of the proposed access road.
- The development is not considered to function well or add to the quality of the area in a positive way.
- The development would cause harm to the setting of the Grade II Listed Building.

- Impact to security following creation of access road.

### 3.4 **Parish Council / Statutory Consultees:**

Codicote Parish Council – Objection. Full comments available online.

Environmental Health (Contaminated Land) – No objection subject to conditions.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

HCC Highways – No comments received.

Waste and Recycling – No objection.

Rights of Way – No comments received.

Archaeology – No comments received.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The application site is situated to the west of Bury Lane, Codicote and is situated within the Green Belt and is neighboured to the south by The Bury, a Grade II\* Listed Building. The application site contains an existing stable building with an outdoor riding area to the front and is accessed via a track from Bury Lane.

### 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of a detached 2-bed single storey dwelling following the demolition of the existing stables. The works would include associated landscaping.

### 4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy and Local Development Plan.
- The impact the proposal would have on the openness of the Green Belt.
- The impact of the proposed development upon the setting of the Grade II\* Listed Building.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The standard of living for future occupants of the application site.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

### **Principle of the Proposed Development in the Green Belt:**

- 4.3.2 The application site is situated within the Green Belt and is situated just beyond the Codicote village boundary. The application site is not proposed to be removed from the Green Belt following the adoption of the Emerging Local Plan.
- 4.3.3 Given the above, Saved Policy 2 and Emerging Policy SP5 are applicable in the determination of this application.
- 4.3.4 Policy 2 of the Saved Local Plan states *“In the Green Belt... the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new building... which are appropriate in the Green Belt, and which would not result in significant visual impact”*.
- 4.3.5 Policy SP5 of the Emerging Local Plan states that the Council *“will only permit development proposal in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated”*.
- 4.3.6 With the application being within the Green Belt, Paragraph 147 of the National Planning Policy Framework (NPPF) states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 of the NPPF goes on to states *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 4.3.7 Paragraph 149 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.”* Paragraph 149 offers a number of exceptions to inappropriate development in the Green Belt including the following:
- “g) limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority”*
- 4.3.8 Based on the existing stable building within the plot and associated menage, the site is considered to be equestrian in use and therefore the site is considered to be previously developed land.
- 4.3.9 The site contains an existing stable building that measures approximately 19m wide, 3.8m in depth and 5.1m in height with 2.6m to the eaves. The roof overhangs to provide an area of shelter. The gross external area (GEA) of the existing building on site measures approximately 72.2m<sup>2</sup>.
- 4.3.10 The proposed dwelling would replace the existing building and would feature a hipped roof form with a forward projecting element containing bedroom 2. The GEA of the proposed building would measure approximately 82m<sup>2</sup>. The development would

therefore result in a limited 13.5% increase in GEA when compared to the existing structure.

- 4.3.11 The proposal would change the use of the site to residential and with that would come associated residential paraphernalia. Although the site can be seen from a public footpath to the north, it is considered that the proposed development would not result in a greater impact on the openness of the Green Belt. It is considered that the proposal would be acceptable in principle as the works would fall within the exception to inappropriate development offered under paragraph 149 g).

Impact on the Designated Heritage Asset:

- 4.3.12 The application site is situated to the north east of The Bury, a Grade II\* Listed Building. Paragraph 197 of the NFFP is relevant in this case and states *“in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage asserts can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 4.3.13 Paragraph 199 of the NPPF states *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amount to substantial harm, total loss or less than substantial harm to its significance.”*
- 4.3.14 Paragraph 200 states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*
- 4.3.15 Policy HE1 of the emerging Local Plan states *“planning permission for development proposals affecting Designated Heritage Assets of their setting will be granted where... c) will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use.”* This policy is reflected in paragraph 202 of the NPPF.
- 4.3.16 The application site is separated from the Listed Building by well-established mature vegetation that screens the site from the neighbouring listed building. Furthermore, the development would be of a similar scale when compared to the existing building within the plot. It is considered that the proposed development would not result in any unacceptable harm to the setting of the nearby Grade II\* Listed Building by reason of the single storey height of the dwelling, existing mature screening, and similar scale of the proposed building when compared to the existing structure.

Design and Appearance:

- 4.3.17 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). In this regard, Policy 57 of the Current Local Plan and Policy D2 of the Emerging Local Plan is consistent with the NPPF.
- 4.3.18 The proposed dwelling would feature a hipped roof design incorporating natural slate roof tiles to match those used in the construction of the existing building on site. Other

materials would include red brickwork and stained feather-edged boarding. The development would incorporate low profile conservation style rooflights.

- 4.3.19 It is considered that the proposed design and appearance of the dwelling would be acceptable and not result in any unacceptable impact upon the character and appearance of the locality. The proposed development would be in compliance with both local and national planning policies.

Impact on Neighbouring Properties:

- 4.3.20 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.21 The proposed dwelling would be situated to the south east of the three dwellings that make up Bury Farm Barns. The single storey height dwelling would be situated in the south east corner of the stie and set away from the closest dwelling by approximately 32m. The proposed dwelling would feature a door on what would be the north west elevation limiting any potential for loss of privacy to the nearby neighbouring occupiers.
- 4.3.22 It is considered that the proposed dwelling would not result in any unacceptable overbearing impact upon nearby residential dwelling and would not result in any unacceptable overlooking.
- 4.3.23 Concerns raised by neighbouring properties regarding the access track to the dwelling have been considered. However, the track would be a ground level feature and would not restrict views or result in an overbearing impact upon nearby residential dwellings. Furthermore, the concerns raised regarding vehicle movements along the access track have been noted. It is considered that vehicle movements to one dwelling would be limited and not result in an unacceptable impact upon the living conditions of nearby neighbouring properties.
- 4.3.24 Given the above, it is considered that the proposed development would not result in any unacceptable impact upon the amenities of nearby neighbouring properties and is therefore in compliance with both local and national planning policies.

Standard of Amenity for Future Occupiers:

- 4.3.25 The dwelling is considered to provide sufficient living accommodation within the dwelling and sufficient amenity space to the front and side of the dwelling. Habitable rooms would benefit from access to natural light. No objection is raised to the standard of accommodation for future occupiers of the proposed dwelling.

Sustainability:

- 4.3.26 The application site is situated just beyond the village boundary of Codicote. Whilst not situated within the built core of the village, the site is within close walking distance of the Codicote High Street (0.4 miles) and is also in close proximity to bus stops on Bury Land and just adjacent to Church Close.
- 4.3.27 Furthermore, it is considered appropriate to include a condition requiring the provision of an electric vehicle charging point to improve the sustainability of the site.
- 4.3.28 It is considered that by virtue to the limited scale of the development in general terms together with the site being in close proximity to nearby public transport together with

the requirement for sustainable features such as EV charging would result in a limited impact upon the local environment in terms of carbon emissions and would therefore be generally in compliance with Section 14 of the NPPF.

#### Highways and Parking:

4.3.29 The site would be accessed via an existing tarmacked road off Bury Lane. There would also be sufficient off-street car parking available for future occupiers of the proposed dwelling.

#### **4.4 Conclusion**

4.4.1 In conclusion, it is considered that the proposed dwelling would not constitute inappropriate development in the Green Belt by reason of the dwelling being on previously developed land and the resulting building being a limited increase in scale above that of the existing stable building.

4.4.2 Furthermore, the proposal would be in a sustainable location that would not result in any unacceptable harm to the setting of the Grade II\* Listed Building to the south, and the proposal would provide one additional dwelling against the current 5-year land supply shortfall.

4.4.3 The principle of a dwelling in this location is acceptable and would be in compliance with both local and national planning policies.

#### **4.5 Alternative Options**

4.5.1 None applicable

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

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

#### **4.7 Climate Change Mitigation Measures**

4.7.1 In accordance with the consultation from Environmental Health, a condition stating that the proposed development shall incorporate an EV charging point will be implemented on any subsequent decision notice. This is in accordance with Section 14 of the NPPF 2021.

#### **5.0 Legal Implications**

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

#### **6.0 Recommendation**

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

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. Prior to occupation, the dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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

6. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:



(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits

to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

**Proactive Statement:**

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

**Informative/s:**

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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

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

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

o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008

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

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

2. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
3. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.