

Location: Land On The South Side Of
Cowards Lane
Codicote
Hertfordshire

Applicant: Hawridge Strategic Land Limited

Proposal: Outline application with means of access for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)

Ref. No: 25/01766/OP

Officer: Alex Howard

Date of expiry of statutory period: 20th October 2025

Extension of statutory period: 21st November 2025

Reason for Delay:

To address consultation responses and to present the application to an available committee meeting.

Reason for Referral to Committee:

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

1.0 **Site History**

1.1 None.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10 - Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

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

2.2 National Planning Policy Framework (December 2024)

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

2.3 Codicote Neighbourhood Plan 2024 – 2031

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

2.4 Supplementary Planning Documents/Guidance

Developer Contributions SPD – January 2023
Sustainability SPD – September 2024

3.0 **Representations**

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

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

3.2 **Hertfordshire Highways** – An initial response was received on the 14th August 2025, objecting to the development on the grounds of insufficient information covering several matters which were required to be addressed. Following the submission of amended/additional information and re-consultation with the HA, a second response was received on the 7th October 2025, stating no objection to the proposal subject to several conditions, informatives, and Strand 2 contributions.

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

“1. This development is not in the Local Plan nor the Neighbourhood Plan and is in the Green Belt. The Neighbourhood Plan says that any infrastructure upgrades should be carried out prior to village expansion including sewerage and electricity

supply, both of which are under significant pressure already. Areas of the Riddy are flooded with effluent during heavy rainfall events.

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

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

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

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

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

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

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

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

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

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

- The site is a Local Wildlife Site (LWS) Meadow N.W. of First Spring, designated due to its grassland assemblage. North Herts Local Plan Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations.
- The NPPF is clear that planning decisions should contribute/enhance the natural and local environment by protecting/enhancing sites of biodiversity value.
- The Statutory Metric supporting this application identifies a 4.78 loss of habitat units equating to 48.53% loss of biodiversity as a result of the proposal. However, the metric actually uses the incorrect significance criteria so the loss is really 5.5 habitat units this is important as the applicant cannot achieve the mandatory 10% BNG on site and would need to seek an offsite solution. In doing so it is essential that the correct number of units are sourced.
- The application claims that the habitat on site does not currently meet the criteria for LWS noting the degraded condition of the habitat. However, the citation for the site states 'The field directly north has Meadow Buttercup (*Ranunculus acris*) and Common Knapweed (*Centaurea nigra*) although it is poached and very heavily grazed.' The site met the designation criteria in 1997 and from a site visit by the NHC ecologist in October, sorrel was identified which can be added to the list as an additional indicator species present. From this visit it was clear that the sward could readily recover. This is acknowledged in the July 2025 Ecological Impact Assessment (EclA) in 2.3.19.
- The presence of a protected species is a material consideration, the PEA notes that survey data for bats is not complete with bat surveys still outstanding. 6 species of bats have been recorded from surveys on the site so far including nationally rare barbastelle.
- The EclA identifies the potential of the site for GCN interest due to the presence of ponds and suitable terrestrial habitat in the local area. The site is identified as being in an amber risk zone on the Natural England Great Crested Newt District Level Licensing (DLL) scheme which the applicant intends to use to compensate for the loss of suitable terrestrial GCN habitat. However, no Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted that I can see. With DLL the Council needs to see the IACPC countersigned by NE prior to determination to show the applicant has agreed to join the scheme, no signed certificate is provided and therefore we would need full GCN survey data to be provided to fully understand the impact of the proposal on a protected species.
- The scheme fails to comply with objective 14 of the Codicote Neighbourhood Plan, which seeks to enhance green corridors and habitats, increase biodiversity and retain their amenity value.
- The EclA acknowledges that the damage/loss of the LWS as a result of this proposal is contrary to local planning policies.
- The application does not claim to prevent harm or mitigate ecological losses, contrary to paragraph 193 of the NPPF.
- The proposed 10% BNG is not a benefit of the scheme as this is not being delivered on site.
- This proposal fails to demonstrate the mandatory 10% BNG on site, which, for a greenfield site, is unacceptable and would point to the fact that development here is inappropriate. Considering development on LWSs is very rare, this should be considered to have significant weight against the scheme rather than limited weight being attributed to such harm, not just to the site but to the ecological resource of the area.

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

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

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

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

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

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

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

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

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

Waste Service:

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

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

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

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

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

Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly”.

3.7 Hertfordshire Archaeology – No objection subject to conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

3.11 Lead Local Flood Authority – Initial response received on the 29th August 2025, objecting to the proposal in the absence of an acceptable drainage strategy. Further amended information was submitted by the applicant in an attempt to overcome the objections. Following re-consultation with the LLFA, a second response was received on the 24th October 2025, maintaining the objection in the absence of an acceptable

drainage strategy. Following the receipt of further information in the form of an amended FRA and Drainage Strategy, a third and final response was received on the 14th November 2025, stating no objection subject to conditions.

3.12 **Anglian Water** – No objection subject to conditions.

3.13 **Thames Water** – Recommended informative.

3.14 **CPRE** – Objects to the proposal on several grounds (summary):

- The site is within the Green Belt, and the submission relies on the site being considered as Grey Belt in line with the December 2024 revisions to the NPPF.
- The proposal would breach the first and third purposes of the Green Belt.
- CPRE supports the significant local opposition and that of the Parish Council.
- Refutes the assertion that the first purpose of the Green Belt is not relevant, as this proposal would clearly be urban sprawl beyond a built up area which represents a strong reason for refusing development.
- All major housing applications submitted in Hertfordshire since 12th December 2024 have identified the site is Grey Belt, which is an unsustainable position and suggests the current definitions and guidance on this matter are inadequate.
- The treatment of harms and benefits on the submitted Very Special Circumstances argument is inadequate and unsupported.
- The loss of open space adjacent to built up areas is under pressure.
- This application is not supported by the Local Plan and should be refused.

3.15 **Herts and Middlesex Wildlife Trust** – Initial response received on the 13th August 2025, objecting to the proposal on several grounds (summary). Second response reinforces points made in the initial response:

- The loss of part of Meadow North-West of First Spring Local Wildlife Site (LWS)
- The loss of 1.13 ha of Other Neutral Grassland
- Failure to comply with the 'Golden Rules' relating to the release of Grey Belt land.

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

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is an agricultural field measuring approx. 1.39HA located on the southern edge of Codicote, on the south side of Cowards Lane. The site has existing dense hedgerows and trees on the southern and western boundaries. To the north and east, the site is bounded by the rear gardens of residential dwellings, which have frontages with Cowards Lane and St Albans Road. The site is relatively flat with a gentle slope in the land in a north-south direction. There are two immediate neighbours to the north of the site (Field House and Marlin) who benefit from access off Cowards Lane, which leads to the existing field/pedestrian gate into the site which has a public right of way (023) crossing it from Cowards Lane to St Albans Road. There is a single stable building located on the site as horses are currently kept on the field; aside from this the site is free of any built form.

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

4.2 **Proposal**

- 4.2.1 The proposal is an outline application with for residential development of up to 30 dwellings (including affordable housing); following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works (all matters reserved except means of access)
- 4.2.2 The application has been supported by the following documents:
- Arboricultural Method Assessment
 - Design and Access Statement
 - Ecological Impact Assessment (incl. Biodiversity Net Gain Statement and Metric)
 - Flood Risk Assessment and Drainage Strategy
 - Noise Impact Assessment/Preliminary Risk Assessment/Air Quality Report
 - Energy and Sustainability Statement
 - Planning Statement
 - Transport and Travel Plan Statement
 - Landscape and Visual Impact Assessment
 - Geophysical Survey Report
 - Archaeological Desk Based Assessment
 - Heritage Statement
 - Site Location, Parameter Plan, Concept Masterplan, Proposed Access Plans, Tree Protection/Constraints Plan, Arboricultural Impact Assessment Plan

4.3 **Key Issues**

- 4.3.1 The key issues in the determination of the application are:
- Principle of Development
 - Ecology and Biodiversity
 - Highways/Access/Rights of Way/Parking
 - Appearance/Layout/Scale
 - Landscaping
 - Play Area/Space
 - Flood Risk/Drainage
 - Affordable Housing/Housing Mix
 - Heritage/Archaeology
 - Energy and Sustainability
 - Other Matters
 - S106 Legal Agreement

Preliminary Matters

- 4.3.2 The application is for outline planning permission with all matters reserved apart from access. Therefore, details relating to design, landscaping, layout, and scale are not submitted for detailed consideration at this point, as these matters would be addressed in a subsequent reserved matters application.

Principle of Development

- 4.3.3 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) and Planning Practice Guidance are material considerations attracting significant weight.
- 4.3.4 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.5 Policy SP2 of the Local Plan makes provision for at least 13,000 new homes between 2011-2031. Most new development (approx. 80%) is to be delivered in six key towns in the district and a further 13% of housing, along with supporting infrastructure and facilities will be delivered within the settlement boundaries of five villages. The remaining development will be dispersed across the district.
- 4.3.6 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting between 2.6 and 3.3 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.7 The Council further acknowledges that the current Government has a clear message in response to the national housing crisis in an effort to deliver 1.5million homes. The Written Ministerial Statement is a material consideration which ensures weight is given to housing delivery and to the presumption in favour of sustainable development.
- 4.3.8 Under Policy SP2, Codicote is listed as one of the five larger villages where across the four allocated sites, an estimated 315 dwellings have been designated. 3 of the 4 allocated sites have planning permission and their construction is underway, with the remaining 4th site in s106 negotiations following a resolution to grant planning permission. The site is located outside, but adjacent to, the defined settlement boundary for Codicote in the Local Plan. Therefore, the proposal conflicts with Policy SP2 of the Local Plan.

4.3.9 As stated, the site is within the Green Belt. Policy SP5 of the Local Plan covers the Countryside and Green Belt, where support is given to developments that are not inappropriate development or where Very Special Circumstances can be demonstrated.

4.3.10 Section 13 of the NPPF advises on such instances where development is considered in the Green Belt.

Paragraph 142 confirms the great importance that the Government attaches to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence

Paragraph 143 identifies the five purposes of Green Bet as:

- (a) To check unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another;
- (c) To assist in safeguarding the countryside from encroachment;
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the NPPF sets out that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

Paragraph 154 of the NPPF sets out instances where development in the Green Belt is not inappropriate.

4.3.11 The proposed development of up to 30 dwellings would not meet any of the exceptions to inappropriate development under paragraph 154 of the NPPF.

4.3.12 The revision to the NPPF in December 2024 introduced the concept of ‘Grey Belt’, which is defined in the NPPF glossary as follows:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

4.3.13 This outline application for up to 30 dwellings is submitted on the basis that the site constitutes ‘Grey Belt’ land. The first step is to therefore consider whether the site meets the definition of Grey Belt. The site is not previously developed land and is therefore submitted to be any other land that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The Planning Practice Guidance (PPG) and case law advise on how sites should be appraised against these purposes.

- 4.3.14 In respect of purpose a), *to check the unrestricted sprawl of large built up areas*, the PPG is clear that villages should not be considered large built up areas. Given that Codicote is designated as a larger village under Policy SP2 of the Local Plan, the site cannot strongly contribute to purpose a).
- 4.3.15 In respect of purpose b), *to prevent neighbouring towns merging into one another*, the PPG is clear that this purpose solely relates to towns merging, such that given Codicote is a village, and the site does not form a gap between towns in any case, the site cannot strongly contribute to purpose b).
- 4.3.16 In respect of purpose d), *to preserve the setting and special character of historic towns*, Codicote is not a town, and the site would not strongly contribute towards purpose d).
- 4.3.17 The next step is to consider whether there are any policies relating to areas or assets in footnote 7 that provide a strong reason for refusal. Whilst the site is part of a Local Wildlife Site (LWS), it would appear that LWS's are not considered under the umbrella term of habitat sites (and those listed under paragraph 194 of the NPPF). The other areas/assets under footnote 7 are not relevant in this case, such that there are no strong reasons for refusing development against the application of policies relating to areas/assets in footnote 7.
- 4.3.18 Officers are therefore of the view that the site is 'Grey Belt' from a definitional perspective. The next step is to consider the proposal against paragraph 155 of the NPPF.
- 4.3.19 Paragraph 155 of the NPPF addresses 'Grey Belt', which states as follows with justification set out:

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

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

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

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

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

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

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

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

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

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

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

b. necessary improvements to local or national infrastructure;

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

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

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

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

*“The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). **Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes**” (Officer emphasis).*

- 4.3.22 The Hertfordshire Local Nature Recovery Strategy (LNRS) was published as of the 24th November 2025. The site is within an Area of Particular Importance for Biodiversity; these form the baseline for nature recovery efforts in support of the Council’s ecological emergency. The LNRS notes there have been significant declines in the grasslands and heath habitats within Hertfordshire over the last 50 years and the site falls within the Grass and Heath Focus Area, which states that the proposed action is to *“Manage existing grassland and heathland to maintain the biodiversity of existing good quality habitats and enhance poor quality sites.”* This proposal would therefore not contribute to these outcomes given that development would comprise the about half of the LWS.

- 4.2.23 The Planning Practice Guidance (PPG) is clear in Paragraph 047 which states that *“The Local Nature Recovery Strategy is an evidence base which contains information that may be a ‘material consideration’ in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case”*. As such, in light of the Council’s ecological emergency, the designation of this site as a LWS, and the recent publication of the LNRS, the development would conflict with paragraph 159 of the NPPF.

- 4.3.24 Overall, it is considered that the proposed development would utilise ‘Grey Belt’ land as per the definition set out in the NPPF, and would comply with paragraphs 155, 156 of the NPPF. As set out above, Paragraph 159 of the NPPF requires that the green spaces required as part of the Golden Rules should contribute towards meeting the outcomes of the LNRS. The applicant is proposing that this matter be addressed by conditions with a view to achieving BNG off-site. In addition is proposing to locate a LEAP within the green space on site which would not contribute as complementary habitat within that space. Overall, it is considered that the proposal is not consistent with paragraph 159. It is it is unclear whether the development would meet fully the aims of the ‘Golden Rules’ taking account of the requirements of paragraph 159.

- 4.3.25 Whilst paragraph 73 of the NPPF confirms that small and medium sized sites can contribute to meeting the housing requirement of an area, this proposal for 30 dwellings would make only a modest contribution towards the district-wide housing need.

Paragraph 77 of the NPPF indicates that the supply of large numbers of homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns provided they are

well located and designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). This is reflected in the approach in the Local Plan to the delivery of housing and the settlement hierarchy set out at Policy SP2, which seeks to deliver approximately 80% of housing provision within the adjusted settlement boundaries of the towns of Baldock, Hitchin, Letchworth, Royston, Stevenage and Luton. Codicote is part of a group of second tier settlements where about 13% of housing along with supporting infrastructure will be delivered within the adjusted settlement boundaries.

Codicote has a relatively good range of facilities including a school, shops, several public housing, village hall and a church. Four sites are allocated in the village for an estimated 315 new homes.

- 4.3.26 The application site is located outside the village of Codicote. Paragraph 83 of the NPPF confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities to grow and thrive, especially where this will support local services. Therefore, the proposed development of this site for 30 dwellings must be considered in the context of the village of Codicote.
- 4.2.27 As indicated above, the village of Codicote is one of five villages where the settlement boundaries have been adjusted to deliver additional housing along with supporting infrastructure and facilities. Development on most of these sites has commenced and therefore, the village is seeing considerable new residential development as a result of site allocations in the Local Plan. As stated already, three of the allocated sites in Codicote have planning permission and their construction is underway, with the remaining fourth site still in s106 negotiations prior to the issuing of outline permission. Therefore, several of these sites are already contributing towards ensuring that the vitality of the village is maintained in line with Policy SP1 and paragraph 83 of the NPPF. This application site is not allocated for housing in the Local Plan and lies outside of the settlement boundary in the Green Belt. Moreover, it is located on a Local Wildlife Site (LWS), so whilst the aforementioned considerations relating to 'Grey Belt' are acknowledged, the site is not required for housing to meet the needs of the village. It is considered that the proposal would make a modest contribution towards Districtwide housing need and is not required to maintain the vitality of the village of Codicote. Nevertheless, in the planning balance, significant weight is still attributed to the social and economic benefits that would arise from the delivery of 30 dwellings including 15 affordable homes.

Ecology and Biodiversity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

will be protected from any harmful impacts of development, in accordance with their status.

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

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

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

- 4.3.33 The site is part of a designated Local Wildlife Site (LWS); Meadow N.W. of First Spring, which is designated due to its grassland assemblage. The LWS was designated in 1997 and covers an area of approx. 2.73 HA. The site considered under this application is approx. 50% of the entire LWS.
- 4.3.34 The application is submitted with supporting Ecological Technical Notes, which acknowledges that the proposed development will result in the unavoidable loss of part of this LWS. An assessment of the site and the adjacent field also part of this LWS was undertaken, concluding that the onsite field was in a poorer condition than the adjacent offsite field, which was likely caused by intensive horse grazing. The assessment goes on to suggest that whilst it is surmised that the habitats on site fail to currently meet the designation criteria, the site remains a designated LWS, and this designation must be afforded weight within the determination of the application
- 4.3.35 The submissions go on to state that measures have been taken to minimise these losses whilst delivering the proposal, and it is acknowledged that an off-site scheme of biodiversity enhancement will be required both to compensate for this loss, and to deliver the mandatory 10% BNG. It is understood that the applicant has started discussions with local biodiversity unit providers to identify an appropriate off-site scheme which appears to be deliverable, including one in Weston. The applicants are also of the view that this off-site scheme for biodiversity enhancements can be secured as part of an outline planning permission through the standard/mandatory biodiversity gain pre-commencement planning condition, together with an additional condition requiring the off-site biodiversity enhancement scheme. The submitted Ecological Impact Assessment does outline some measures that would seek to reduce the impact on the LWS ‘as far as possible’, but there is limited detail submitted as to how this harm to the LWS would be delivered and what it would comprise in reality.
- 4.3.36 The Council’s Ecologist has provided two formal responses, which are further supported by the Herts and Middlesex Wildlife Trust (HMWT), to this application and considers that, given that the site is a designated LWS and that North Herts declared an ecological emergency in 2023, the proposed development of this site is unacceptable in principle, asserting that locally designated sites should carry more weight given that the district does not benefit from any internationally designated sites, even though it is acknowledged that there is no local or national policy supporting this. Further comments set out that given this is a LWS, the application has failed to demonstrate where the compensatory BNG would be delivered and what this would comprise, suggesting that reserving the details of off-site BNG compensation for later through conditions is unacceptable as the Council would need

a tangible solution to consider in full which at this stage has not been provided or invited due to the considered costs implications, in light of the principle objection to developing the site in ecological terms. Finally, comments from the Council's Ecologist and the HMWT note the inclusion of this site within the Hertfordshire Local Nature Recover Strategy (LNRS), which designated this site as a Grass and Heath Focus Area and has now been published as of the 24th November 2025.

- 4.3.37 In terms of Policies SP12 and NE4 of the Local Plan and Paragraph 193a of the NPPF, it is acknowledged that the LWS is a locally designated site, so in terms of the hierarchy it would sit below international and national designated sites. The applicants acknowledge that this is at the lower end of the hierarchy but do go on to state that harm to a LWS is not insignificant, but rather that harm is less significant than if it related to a national or international designated site, and that development which harms a LWS may be acceptable provided that harm is adequately mitigated or compensated for. Again, this form of mitigation or compensation is not submitted for consideration at this stage but rather suggested to be reserved via conditions for a later date, which the Council's Ecologist does not support given the local designation of this site. If this site was not an LWS, then it may well have been reasonable to reserve BNG details for later via conditions.
- 4.3.38 Policy NE4 of the Local Plan and Paragraph 193a of the NPPF are clear and consistent on the hierarchy of protection for ecological sites, where there is a requirement to demonstrate that adverse effects on ecology can be avoided and/or satisfactorily mitigated/compensated in the following order, with further consideration given in turn:
- *Locating on an alternative site with less harmful impacts.* The applicant's rationale behind meeting this part of the hierarchy is that the ecological loss of this part of the LWS cannot be avoided because the applicant does not control any other land that is not within the LWS. This rationale is disputed by the Council's Ecologist who states that the applicant not controlling any other land outside of the LWS does not adequately address this issue, as development should not be located on sites designated for their ecological value. Moreover, it is also noted that the applicant does not own the application site either. It is unclear to what extent the applicant considered other sites before entering into an agreement to pursue housing development on the application site which is designated as a LWS.
 - *Providing adequate mitigation measures.* The applicant's rationale behind meeting this part of the hierarchy is that the impact on ecology/loss of this part of the LWS cannot be mitigated for on-site, as this would render the development unviable given its scale. This is also likely due, in part, to the existing ecological value of the site which would need to be replaced and enhanced on site, leaving little remaining space for development.
 - *As a last resort compensated for.* As set out earlier in this report, the applicant's rationale here is that the impact on ecology/this part of the LWS can be compensated for off-site and secured through planning conditions. The supporting documents reference two recent appeal decisions where they consider that the acceptability of mitigation and compensation has been demonstrated where harm to the LWS cannot be avoided. This justification is disputed by the Council's Ecologist, who states that the Council would need a tangible solution to consider in full at this stage and this cannot be reserved for later by conditions, notwithstanding the in-principle objection to development on this LWS.

- 4.3.39 The proposal would comprise development on approximately 50% of the designated LWS, which would result in its unavoidable loss. Notwithstanding the assessments of the existing condition of the site from an ecological perspective, it remains designated as an LWS and there is no dispute that appropriate restoration works of this part of the LWS and improvements to the habitat managements on site, would allow the site to recover and be closely aligned to the reason it was originally designated. Development of this site with 30 dwellings and associated works would directly preclude this restoration from occurring in the future, even if the supporting ecological notes suggest that there is no realistic prospect of there being a significant change to the management of the grassland present.
- 4.3.40 Furthermore, the site is within an Area of Particular Importance for Biodiversity in the now published LNRS; which form the baseline for nature recovery efforts. The LNRS notes there have been significant declines in the grasslands and heath habitats within Hertfordshire over the last 50 years and the site falls within the Grass and Heath Focus Area, which states that the proposed action is to *"Manage existing grassland and heathland to maintain the biodiversity of existing good quality habitats and enhance poor quality sites"*.
- 4.3.41 Paragraph 047 of the Planning Practice Guidance states that *"The Local Nature Recovery Strategy is an evidence base which contains information that may be a 'material consideration' in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case..."*
- 4.3.42 As such, the PPG is clear that it is for the decision maker to determine what is a relevant material consideration, what weight to attribute to it and base this on individual circumstances. The LNRS is published and clearly outlines that for this part of the LWS, the proposed action is to manage the existing grassland and heathland to maintain biodiversity, which would again be directly precluded from occurring if development would take place. It would be inappropriate for development to be allowed on an area that is designated for its ecological value where an action plan seeks to manage and maintain it. For this reason, it is considered that there is strong case to be made that development should not take place on this site. The views of the Council's Ecologist and the HMWT are fully endorsed and there is an objection in principle to development of this LWS.
- 4.3.43 Moreover, turning to Policies SP12 and NE4 of the Local Plan and Paragraph 193a of the NPPF, the development of this part of the LWS would result in significant harm to biodiversity through the erection of buildings and associated development on land that is designated for its ecological value.
- 4.3.44 Under Policy NE4 and NPPF Paragraph 193a, the first step is avoidance through locating development on an alternative site with less harmful impacts, which is justified through the submission that the applicant does not control any other land outside the LWS. This matter is disputed, in that development should not be located on this LWS as a matter of principle so the fact the applicant does not control any other land/sites that are outside the LWS and could sustain development is a non-issue, as stated by the Council's Ecologist. In this scenario the whole site, apart from the access road to Cowards Lane, is part of the LWS so it is not possible to locate/move development to an area that would not result in harmful impacts to the LWS. Officers consider that in this case; there is an in-principle objection to

development on this LWS and harm to the LWS could be avoided by locating development on another site which is not part of the LWS.

Of relevance is the context of the proposal including the four Local Plan site allocations which seek to deliver a considerable amount of housing within the adjusted boundaries of Codicote, and that it is considered that this proposal is not required to maintain the vitality of the village. Development of this LWS can be avoided, and it is not considered sufficient to argue otherwise for the sole reason that the applicant does not own or control any other land not within the LWS. Indeed, the applicant does not own the application site. Therefore, the proposal would fail to comply with Policy NE4 of the Local Plan and Section 193a of the NPPF.

- 4.3.45 The second step is providing adequate mitigation, and there is no dispute that on-site mitigation is not possible given the size of the site and impact this would have on viability of the proposal. Therefore, the significant harm to biodiversity cannot be mitigated in this instance.
- 4.3.46 The third and final step is compensation. The Council's Ecologist considers that because it has not been demonstrated where compensation would be delivered and indeed what that compensation would constitute, reserving this for later through conditions is unacceptable given the site is a designated LWS. If this site was not an LWS, then it may well be considered appropriate to condition a scheme of BNG and ecological enhancements, but owing to the site's designation it is considered that the scope and details relating to compensatory measures would need to be set out in full, which is not the case for this application. The supporting documents offer generic details for ecological enhancements and states that conversations with habitat banks have taken place, with no precise details of how this will be delivered. Therefore, it is considered that the application has failed to show how significant harm to biodiversity, in this case the impact on the LWS, can be compensated for, which conflicts with Policy NE4 and Paragraph 193a of the NPPF.
- 4.3.47 Notwithstanding the above matters relating to the impact of development on the LWS, the proposal does include details and measures relating to the impact on protected species and general ecological matters including hedgerow enhancements. Following the submission of further ecological details and information, including further bat survey information and a GCN IACPC, the impact on these species appears to be satisfactorily mitigated through the measures set out in the supporting ecological impact assessment.

Highways/Access/Rights of Way/Parking

- 4.3.48 Policy T1 of the Local Plan states that permission will be granted for development that does not lead to highway safety problems or cause unacceptable highway impacts, where necessary sustainable transport measures and improvements to existing highway networks are secured, where schemes are supported by the necessary supporting transport documents and for major developments, how schemes would be served by public transport, pedestrian routes etc. Policy COD13 of the Neighbourhood Plan states that major development should have regard to whether it is capable of being served by existing highways and public transport networks. Policy CPD14 seeks to ensure safe and accessible active travel routes through development proposal.

- 4.3.49 The application is supported by a Transport Statement which addresses the key highway and access related matters pursuant to this application. Access to the site is proposed via a priority T-junction arrangement off of Cowards Lane, which would comprise of 5.5m wide carriageway with visibility of 2.4m x 25m in both directions from the proposed access on Cowards Lane. The proposals also include provision of a 2.0m wide footway on one side of the access road into the site, with an additional 2.0m wide footway running north-west on the west side of Cowards Lane with several uncontrolled pedestrian crossings linking the footway to St Albans Road in the northern direction. The proposed works would also facilitate the widening of the northern section of Cowards Lane from 4.1m to 4.8m for approx. 40m. The neighbouring properties on Cowards Lane would be provided with new vehicular crossovers over the proposed footway.
- 4.3.50 The Hertfordshire Highway Authority (HA) have been consulted on this application and provided three responses, initially on the 14th August and 10th September where further review of the vehicular and pedestrian access junction capacity and pedestrian footway/possible widening of Cowards Lane details was requested. In the comment received 10th September, the HA acknowledged that the junction capacity and trip generation information was acceptable, stating that the proposed development would generate a maximum of 18 two-way trips, which would not be detrimental to the operation of the local highway network subject to the delivery of off-site works that enable pedestrians of all ages and abilities to access key local facilities.
- 4.3.51 Following the submission of further information and amended plans which have sought to address the HA comments, a third and final response was received on the 7th October stating no objection subject to 3 conditions relating to the offsite works and access design/implementation, a construction management plan, and right of way design/implementation. The response also requested developer contributions under Strand 2, in the amount of £204,780.
- 4.3.52 Overall, given the formal response of the HA which is satisfied with the proposed access, highway/pedestrian improvements and trip generation details, the proposal is considered acceptable in regard to highway safety in line with Policy T1 of the Local Plan. Furthermore, the proposed pedestrian footway works from within the site to include a new footway on Cowards Lane with crossing points leading to St Albans Road, are considered to be a benefit of this scheme given there is currently no pedestrian footways on Cowards Lane, as this would improve active travel modes through walking. However, as this footpath is arguably required under the paragraph 156b of the NPPF under the Grey Belt Golden Rules, the weight given to it is considered neutral in this instance.
- 4.3.53 The comments received from interested parties relating to the significant congestion in the village on the High Street and surrounding roads, which would be worsened by this development, the fact that Cowards Lane is a single track lane with a 7.5 tonne weight restriction and cannot accommodate more traffic/construction vehicles, and that the site is located on a dangerous bend on Cowards Lane which is hazardous for future occupiers and users of the road, are acknowledged. However, the Highway Authority does not object to this proposal on highway safety grounds and does not consider these matters sufficient to justify refusal of planning permission.

- 4.3.54 The site has an existing Public Right of Way (PRoW023) crossing through it from Cowards Lane across the site to the south, connecting to St Albans Road. The County Council's Right of Way department has provided formal comments on this application, acknowledging the need for a Temporary TRO should permission be granted and development commenced, comments on the masterplan for the site identifying a need for delineation between the parking areas and the footpath, and requests for the upgrading and widening of the footpath to a minimum of 2.0m. These are considerations are such that would be dealt with during a subsequent Reserved Matters application, but the applicant has confirmed agreement in principle to upgrading the surface and considering the width increase. This was a concern raised by interested parties but can be suitably addressed and considered during a Reserved Matters application.
- 4.3.55 In terms of parking, Policy T2 of the Local Plan and The Councils Vehicle Parking at New Development SPD sets out the requirements for parking standards for occupiers, visitors, garages etc. The Concept Masterplan notes some provision for resident and visitor car parking, but the exact number and location of spaces will be dependent on the final details at the reserved matters stage to ensure compliance with Policy T2 and the Vehicle Parking SPD.

Impact upon the Character and Appearance of the Area

- 4.3.56 Policy D1 of the Local Plan states that planning permission will be granted provided the development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF. Policy COD1 of the Codicote Neighbourhood Plan states that development should demonstrate high quality design and integrate well with their environment.
- 4.3.57 The submitted Design and Access Statement and Illustrative Master Plans provide rationale, and an indication of how the site could be delivered in terms of the layout, appearance and siting/footprint of dwellings and the wider site. However, as already stated the application is submitted in outline and seeks permission at this stage for access only, which leaves the consideration of appearance, layout, and scale of the development for a later date under reserved matters. Nevertheless, the proposed residential development will result in significant change in the appearance of the site, and it is necessary to consider this impact at this point when considering whether to grant planning permission.
- 4.3.58 The submitted Concept Masterplan shows how it would be intended to deliver 30 dwellings, with associated internal access roads, front and rear gardens, the public right of way and associated landscaping. However, this is for illustrative purposes only. The submitted Parameter Plan would be an approved plan in the event that permission is granted, and this identifies the provision and location of a Locally Equipped Area for Play (LEAP), green infrastructure and a SuDS feature.
- 4.3.59 Local Plan Policy SP9 considers good design as a key aspect of sustainable development. Local Plan Policy D1 is a permissive policy that addresses sustainable design and seeks to ensure that development proposals respond positively to a site's local context. It is therefore not considering the principle of residential development but the design concept and detail. Notwithstanding that scale, layout, appearance and landscaping are reserved matters, officers have concerns relating to the

proposed location of the LEAP and consequential compliance with the aims of these policies.

Landscape and Visual Impact

- 4.3.60 Policy NE1 of the adopted Local Plan advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.61 Landscaping is a reserved matter. The submitted Parameter Plan shows the broad extent of developed/non-developed areas and landscaping across the site, whereas the Concept Masterplan shows the provision of roads, footways and parking spaces and the provision of private gardens for all dwellings, a pocket of publicly accessible open space to the south of the site to comprise a LEAP and retained/enhanced trees and landscape buffers on the boundaries. However, this is only illustrative. An arboricultural assessment and supporting documents have been provided to demonstrate that the scheme will not result in harm to arboricultural features.
- 4.3.62 The application is supported with a Landscape and Visual Impact Appraisal, which has assessed the impact of development on the wider landscape from a number of immediate and wider viewpoints relative to the site. The report notes the following concluding remarks:

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

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

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

- 4.3.63 Officers accept that there would be an unavoidable impact on the appearance of this site within its landscape if development was to take place, given the site is substantially free of built form at present. The site is an area of open space with a public right of way through it, which is enjoyed in such a way by users. Whilst the development would retain the public right of way through the site, the way that this footpath is enjoyed would be permanently and substantially altered by the development, given the new built form and associated hardstanding over what is a pleasant, open field. Therefore, Officers consider that whilst the development would not result in any significant or material harm to landscape character or visual harm

from a wider perspective, especially as the site is not covered by any landscape designations that seek to protect it, there would be significant localised harm to the character and appearance of the site and most notably for users of the public right of way from within and adjacent to the site. This harm weighs moderately against the proposal. Given the moderate harm identified, it is considered that this matter does not significantly and demonstrably outweigh the benefits of the development and consequently is not recommended as a reason for refusal of planning permission.

Play Area/Space

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

Flood Risk/Drainage

- 4.3.65 Policies SP11, NE7 and NE8 of the Local Plan address the need to meet the challenges of climate change and flooding, advising on the required information for assessing flood risk and drainage issues. These matters are consistent with Section 14 of the NPPF. Policy COD3 of the Neighbourhood Plan seeks to ensure that development is designed with floor resilience in mind, considering hardstanding and landscape/SuDs where appropriate.
- 4.3.66 The site is within Flood Zone 1. The applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy, and outline design plans to account for the local flood risk issues and surface water drainage at this location. The proposal includes a SuDS basin in the eastern portion of the site. The LLFA have formally responded to this application on three occasions, and at the time of writing, no longer object to the proposed development on flood and drainage matters subject to 3 conditions covering the detailed design of surface water drainage scheme, maintenance and management of sustainable drainage schemes, and the submission of a verification report. Subject to these conditions, the development is considered acceptable in its impact on flood risk and drainage matters, in accordance with Policies SP11, NE7, NE8 and NE9 of the Local Plan.
- 4.3.67 The concerns raised by interested parties relating to flooding and drainage issues are therefore considered justified in this case.

Affordable Housing/Housing Mix

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

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

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

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

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

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

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

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

Heritage/Archaeology

4.3.74 Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated*

heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use". These provisions are reinforced by paragraph 215 of the NPPF and Policy COD20 of the Neighbourhood Plan.

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

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

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

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

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

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

Noise/Contaminated Land/Air Quality

4.3.79 The application is supported by a Noise Impact Assessment, Contaminated Land Assessment and Air Quality Report. The Council's Environmental Health Officer has considered these documents and has formally responded with no objections to their conclusions, subject to recommended conditions to seek a Construction Environmental Management Plan, a scheme for noise protection measures, a protective measure in the event of finding any contamination on site and seeking the provision of EV charging points. Subject to these conditions, the scheme is considered acceptable in its impact on these matters.

Energy and Sustainability

- 4.3.80 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2040. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. Adopted Policy D1 – Sustainable Design – requires developments to consider a number of criteria including the need to reduce energy consumption and waste. In relation to residential development this will typically include features such as - low carbon technologies such as air or ground source heat pumps, solar or PV panels, Sustainable Drainage Systems (SuDS) and exceeding Building Control standards on thermal insulation.
- 4.3.81 The application is supported by an Energy and Sustainability Statement which seeks to demonstrate the measures to be incorporated into the development that will contribute to sustainability and accord with the Local Plan and NPPF. The document sets out the following measures as key features of this development:
- *The dwellings will be highly energy efficient, adopting a fabric first approach. They will be orientated to maximise solar gain where possible;*
 - *There will be no natural gas connection to the site;*
 - *Heating and hot water will be supplied via low carbon air source heat pumps;*
 - *Solar photovoltaic panels will be installed where appropriate;*
 - *The development will employ a combination of highly efficient fixtures, fittings and appliances to reduce domestic water use to achieve the 110 l/p/d target;*
 - *Buildings will be designed and specified to adapt to a changed climate:*
 - o *Overheating will be managed through considered design;*
 - o *The retention of existing trees and additional planting will provide more comfortable microclimates in warmer weather;*
 - o *The landscape design will provide multi-functional benefits, supporting increased biodiversity and enhancing the overall aesthetic;*
 - o *Surface water will be managed via the integration of SuDS into the development.*
 - *Electric vehicle charging points will be installed in line with policy requirements;*
 - *High quality broadband will be provided in line with Approved Documents;*
 - *The embodied carbon of the development will be considered and addressed through sustainable material choices and flexible and durable design;*
 - *Demolition, construction and operational waste will be managed in accordance with the principles of the Waste Hierarchy.*
- 4.3.82 All of the above measures are considered suitable and would contribute to sustainability generally, with further details relating to many of these matters likely to form part of any subsequent reserved matters application.
- 4.3.83 One of the fundamental matters to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social, and environmental.
- 4.3.84 In terms of the economic objective, the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and

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

- 4.3.85 In terms of the social element, the scheme would seek to deliver a high-quality and inclusive residential development. The delivery of 30 dwellings, including 15 affordable dwellings, would make a modest contribution to the meeting the district's housing land supply needs.
- 4.3.86 In terms of the environmental objective, it is acknowledged that the proposed development would deliver energy efficient measures as set out in this report, which is a benefit. However, there are significant concerns over the impact of the development on the Local Wildlife Site, as set out in earlier sections of this report. Overall, owing to the in-principle objection to development of this LWS, and the failure to comply with Policy NE4 and Paragraph 193a of the NPPF, it is considered that the development would fail to meet the environmental objective of sustainability in the round.

Other Matters

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

The village has insufficient infrastructure and services (public transport, doctors, dentist etc) to cope with additional housing. If this application was recommended for approval or if it is approved in the future via an appeal, the scheme would be subject to a S106 agreement which would secure financial contributions towards a number of local infrastructure projects, to offset the impact of the development.

Many of the houses built on the allocated sites are unoccupied, but schools are already close to capacity so future occupiers may struggle to get a place locally. This is a matter outside of the Council's control, but the proposal would be required to pay financial contributions towards local primary and secondary schools to assist with expansion if required.

Questions over whether the proposed affordable housing is actually affordable, given the delivery of affordable homes on the allocated sites. The Council's Housing Officer has provided robust guidance on the type and tenure of affordable homes, and the affordability provisions of any scheme would be secured in a S106 agreement.

The application is stated for 30 dwellings, but the developer is suggesting that they are seeking permission for 45 dwellings, which is inconsistent. Officers confirm that this application is for up to 30 dwellings.

Further development would result in increased sewage capacity issues. Ensuring that a development has sewage capacity is a statutory requirement placed upon providers. Anglian Water and Thames water were consulted on this application and raised no objections.

- 4.3.88 The Council has received a formal letter and supporting appeal decisions on the 28th November 2025 from Pinsent Masons, who act on behalf of the applicant. The letter comments on and disputes some of the informal correspondence between Officers and the Agent, with some concerns that the LPAs approach may be unlawful. Officers have considered the contents of this letter in full and provide the following responses to the matters raised:

- 4.3.89 The weight afforded to the provision of off-site BNG is considered to be moderate in this instance, but Officers accept that it would be unreasonable to give this matter no weight at all. The LPA consider that given that the 10% BNG is mandatory under Paragraph 2(3) of Schedule 7A of the TCPA 1990, the weight attributed to this as a benefit would be moderate as it is baseline requirement of this application.
- 4.3.90 In terms of Paragraph 77 of the NPPF, this paragraph is not within Section 3 of the NPPF which deals with plan-making but Section 5 which addresses delivering a sufficient supply of homes. Nevertheless, the LPA are not identifying conflict with paragraph 77 but considering this as part of the NPPF in terms of where large numbers of new homes to meet the shortfall and boost supply should be located and consistency of the Local Plan with this approach
- 4.3.91 In terms of Officers' in principle objection to the development of this LWS, Officers disagree that it would be wrong in law to refuse planning permission on the basis of conflict with paragraph 193 of the NPPF. The LPA are entitled to come to the view that the proposal does not adequately mitigate and compensate for the loss of about half this LWS, given the limited information submitted at present. The LPA have insufficient information and do not have a draft S106 agreement that secures necessary mitigation/compensation.
- 4.3.92 In terms of the Local Nature Recovery Strategy (LNRS), this is now published, and the LPA do not accept that under paragraph 159 of the NPPF, this development would contribute towards the outcomes of the land which is identified within the LNRS. Indeed, development of this site would preclude the LWS from regeneration/management in line with the action plan in the now published LNRS. Officers accept that if the proposal included some means of off-site improvements to land identified within the LNRS, which is a matter for the applicant to consider, then perhaps this would contribute towards these outcomes in line with paragraph 159. However, in the absence of this detail, the position of officers in respect of paragraph 159 is outlined in this report.
- 4.3.93 The letter is supported by two appeal decisions which seek to demonstrate that at appeal, there is a clear principle that where a site has been identified in a local nature recovery strategy it can still be developed/redeveloped (ref: 3364304), and that an Inspector has concluded that paragraph 186/193 was complied with through the provision of offsite measures, and that the biodiversity net gain was secured by the section 106 agreement such that the loss of part of the LWS should weight neutrally in the overall balance, and not as a harm (ref: 3329947).
- 4.3.94 With regards to the appeal decision under ref: 3364304, it would appear that the BNG for this site was going to be delivered on site and secured through the s106 agreement, even though this appeal was dismissed for other reasons. This is not the case here, as the BNG is proposed off-site and is seeking to reserve this through conditions.
- 4.3.95 With regard to the appeal decision under ref: 3329947, only a small portion of this site is within the County Wildlife Site and as part of the proposal, this small portion of the CWS primarily makes up the SUDs and biodiversity enhancement areas. Again, this is not the case for this site given that the majority of the site is within the LWS and would be significantly impacted by the development.

S106 Legal Agreement

- 4.3.96 In considering Planning Obligations relating to this proposed development, the Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 4.3.97 Formal responses have been received from various consultees and stakeholders, including the County Council's Growth and Infrastructure Unit, Highway Authority, and the Parish Council, all seeking financial contributions to various projects to offset the impact of development. However, given that this application is recommended for refusal, agreement to the Heads of Terms which would inform any subsequent s106 agreement has not taken place. For this reason, the standard reason for refusal relating to the lack of an agreed s106 agreement is also recommended on this application.

4.4 Overall Planning Balance and Conclusion

- 4.4.1 The application seeks outline planning permission for up to 30 dwellings, with means of access including affordable housing; following demolition of all existing structures; associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works.
- 4.4.2 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting between 2.6 and 3.3 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Officers have come to the view for the reasons set out in the that the proposal conflicts with the aims of NPPF paragraph 159. However, paragraph 155d indicates that for a proposed development to not be regarded as inappropriate, development proposals must meet four criteria. Criterion (d) indicates that this development must meet the 'Golden Rules' requirements set out in paragraphs 156-157. No reference is made of paragraph 159 in this respect notwithstanding that this paragraph addresses green spaces required as part of the Golden Rules. Therefore, whilst it is considered that there would be conflict with NPPF paragraph 159, it is concluded that the proposal is not inappropriate development within the Green Belt under the provisions of paragraph 155 and the tilted balance of NPPF 11(d) is not disengaged.
- 4.4.3 The site is located outside the defined settlement boundary of Codicote, which is designated as a larger village under Policy SP2 of the Local Plan. Therefore, whilst the site is immediately adjacent to the defined settlement boundary, the proposal would conflict with Policy SP2. The site is within the Green Belt, and detailed consideration and review of this site against the relevant Local Plan and NPPF policies in this report has concluded that the site would constitute Gray Belt. Whilst the site has been identified in the recently published LNRS as an Area of Particular Importance for Biodiversity and the development would directly preclude the restoration and management of this LWS from taking place, and off-site provision is not considered suitable in this instance, the NPPF is insufficiently clear as to whether this affects the 'Golden Rules'. Therefore, Officers have concluded that the proposal

is not inappropriate development in the Green Belt due to it utilising Grey Belt and meeting the provisions of NPPF paragraph 155.

- 4.4.4 The quantum of dwellings proposed would be modest in the context of the housing needs of the district. Regarding local housing need, and the provisions of Paragraphs 82 and 83 of the NPPF, Codicote has four allocated housing sites in the Local Plan which make a considerable contribution to local housing supply in Codicote, ensuring that the vitality of the village is maintained in line with Local Plan Policy SP1. Nevertheless, the provision of up to 30 dwellings, including 50% affordable housing, would provide social and economic benefits and significant weight is attributed to these benefits in line with the Government's message to boost housing supply.
- 4.4.5 The proposal is submitted in Outline with means of access under consideration. Following consultation with the County Highway Authority, the proposed access, highway/pedestrian improvements on Cowards Lane and trip generation details, is considered acceptable in regard to highway safety subject to conditions. Neutral weight is attached to this matter. The provision of a new pedestrian footpath link and crossing points on Cowards Lane towards St Albans Road is a benefit to which neutral weight is attached, given that this footpath is submitted as necessary local infrastructure under paragraph 156b of the NPPF under the 'Golden Rules'.
- 4.4.6 The proposal would result in the loss of about half of Local Wildlife Site (LWS); Meadow N.W. of First Spring, which is designated due to its grassland assemblage. North Herts declared an ecological emergency in 2023 and given that this site is designated for its ecological value, significant weight is attributed to the harm that would be caused to the LWS and the inevitable preclusion of potential restoration and management from occurring in the future.
- 4.4.7 The application has failed to show how significant harm to biodiversity, in this case the impact on the LWS, can be compensated for, which conflicts with Local Plan Policy NE4, Policy COD17 of the Neighbourhood Plan, and Paragraph 193a of the NPPF. There is a strong objection to development of this site in ecological terms as set out in this report which is considered to fail to meet the environmental objective/pillar of sustainability in the round.
- 4.4.8 All other technical matters considered under the scope of this outline application have been satisfactorily addressed or are matters that would be considered in a potential subsequent reserved matters application.
- 4.4.9 In conclusion, having regard to Paragraph 11d of the NPPF, Officers acknowledge that the development would result in a benefits arising from the delivery of 30 dwellings, 50% of which would be affordable homes in accordance with the 'Golden Rules', and other localised benefits, to which significant weight is attributed. However, Officers consider that the harm resulting from the development of about half of the LWS, which is also an Area of Particular Importance for Biodiversity in the published LNRS, and consequential conflict with Policy NE4 and Paragraphs 159 and 193a of the NPPF within the context of the Council's declaration of an ecological emergency, weighs substantially against the proposal, which would significantly and demonstrably outweigh the benefits of the proposal.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

4.6.1 N/A.

5.0 Recommendation

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

1. The applicant has not demonstrated that alternative, less harmful sites were considered, and the proposal cannot avoid harm to the Local Wildlife Site. The suggested possible off-site mitigation measures are insufficient to offset the damage caused to the LWS or compensate loss of habitat. The proposed development would result in the loss of a large part of a designated Local Wildlife Site (LWS) which has been identified as having particular potential for habitat creation and nature recovery in the published Hertfordshire Local Nature Recovery Strategy (LNRS), which would result in significant and unmitigated harm to biodiversity contrary to North Hertfordshire Local Plan Policy NE4, Codicote Neighbourhood Plan Policy COD17 and Paragraphs 159 and 193a of the National Planning Policy Framework.
2. In the absence of a Section 106 Legal Agreement or similar legal mechanism, the proposed development fails to mitigate its impact on local infrastructure and services. This lack of mitigation is contrary to the aims of North Hertfordshire Local Plan Policy SP7 and paragraphs 56 and 58 and 59 of the National Planning Policy Framework. This is also necessary to meet the Golden Rules set out at paragraph 156 of the NPPF.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.