

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

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

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

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

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

## 1.0 **Planning Policy**

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

Policy SP1: Sustainable Development in North Hertfordshire  
 Policy SP2: Settlement Hierarchy and Spatial Distribution  
 Policy SP6: Sustainable Transport  
 Policy SP7: Infrastructure requirements and developer contributions  
 Policy SP8: Housing  
 Policy SP9: Design and Sustainability  
 Policy SP10: Healthy Communities  
 Policy SP11: Natural Resources and Sustainability  
 Policy SP12: Green Infrastructure, Landscape and Biodiversity  
 Policy SP13: Historic Environment  
 Policy HS3: Housing mix  
 Policy T1: Assessment of Transport Matters  
 Policy T2: Parking  
 Policy D1: Sustainable Design  
 Policy D3: Protecting Living Conditions  
 Policy NE1: Landscape

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

#### National Planning Policy Framework (NPPF) (December 2024)

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

#### Supplementary Planning Guidance

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

Sustainability SPD (2024)

#### Reed Neighbourhood Plan

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

### 2.0 **Relevant site history**

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

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

Adjacent site history

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

3.0 **Representations**

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

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

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

1. Housing growth in Reed:

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

2. The RD1 allocated site:

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

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

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

4. The Local Plan and Prematurity:

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

5. Impact on the landscape and countryside:

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

6. Traffic and Highways issues:

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

7. Five-year Housing Supply:

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

8. Provision of Affordable Housing:

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

9. "Brownfield" status:

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

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

Comments against the proposal include:

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

Comments in support:

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

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

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

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

## 4.2 Proposal

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

Accommodation schedule

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

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

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

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

### 4.3 Key Issues

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

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

#### 4.3.2 Principle of the development

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

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

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

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

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

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

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

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

#### 4.3.22 Impact on the historic environment

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

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

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

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

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

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

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

4.3.26 The Senior Conservation officer observes that:

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

The Senior Conservation Officer also advises that:

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

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

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

4.3.29 Highway matters

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

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

4.3.31 Ecology

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

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

4.3.34 Flooding and drainage strategy

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

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

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

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

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

4.3.38 Planning Obligations

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

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

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

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

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

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

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

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

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

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

4.3.43 Planning Balance and Conclusions

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

- “i. the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*

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

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

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

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

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

#### 4.3.51 **Alternative Options**

4.3.52 None applicable

### 5.0 **Legal Implications**

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

### 6.0 **Recommendation**

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

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

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

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

**Proactive Statement:**

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