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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

PicklePlanning
1 Sale Drive
Clothall Common
Baldock
SG7 6NS

Applicant:

Mr Jason Jarvis

PARTICULARS OF DEVELOPMENT

Application: 25/00581/OP

Proposal: Erection of single self-build dwelling on unused land (all matters reserved except for appearance, layout and scale).

Location: Land Between Chain Cottage And 40, Gardiners Lane, Ashwell, Hertfordshire, SG7 5LZ

Refused Plan Nos: JJ-2329-PL001 JJ-2329-PL002 JJ-2329-PL100 JJ-2329-PL150 JJ-2329-PL200 JJ-2329-PL201 JJ-2329-PL210 JJ-2329-PL215

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 18 March 2025.

1. The application lies south of Chain Cottage (grade II) and the grade II registered parkland setting to Ashwell Bury (also grade II). The site is an integral part of the transition area between the village and the countryside and is identified as being within Visual Character Area V1 - "The Church and Environs" in the 'made' Ashwell Neighbourhood Plan (ANP) and within Character Area 2 of the Ashwell Conservation Area Character Appraisal and Management Plan. The proposed dwelling would detract from the loosely developed, transitional character of the area, shifting the balance between the open and built elements and introduce a distinctly urban feature, thereby, consolidating development in an area described as being 'relatively fragile'. Furthermore, the proposal includes Residence R9 Upvc windows in anthracite grey, a 4-door set of aluminium sliding doors to the front elevation and 4no. large roof lights, that would do little to suggest that the dwelling would be sympathetic to local character and history, including the surrounding built environment (para 135c, NPPF) or make a positive contribution to local character and distinctiveness (para 210, NPPF). These impacts would fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF, the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031 and would fail to satisfy Policy ASH3 of the 'made' ANP regarding Visual Character Area V1 - "The Church and Environs". The degree of harm would be moderate on the less than substantial harm continuum which would not be outweighed by public benefits.
2. The appearance of the proposed development, by virtue of the use of anthracite grey windows and doors, sliding doors and large rooflights, are not considered to respond positively to the site's local context, as it would be overly modern in this traditional setting, which is further supported in heritage terms. Moreover, the layout of the proposal, which has been 'shoe-horned' in to the rear of the site within 1.0m of the rear and side boundaries leaving no rear/side private amenity space and all side and rear facing windows facing directly into boundaries whether that be fences, hedges or brick walls, is atypical and would not respond positively to local context. Therefore, the proposal would be contrary to Policy SP9 and D1 of the North Hertfordshire Local Plan and Section 12 of the National Planning Policy Framework.

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.

Signed:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 11 June 2025

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development the time limit is 28 days from the date of the LPA decision or 28 days from the date the enforcement notice was served.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.