

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00581/OP	Erection of single self-build dwelling on unused land (all matters reserved except for appearance, layout and scale).	Land Between Chain Cottage And 40 Gardiners Lane Ashwell Hertfordshire SG7 5LZ

Submitted 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

1.0 Policies

SP2 Settlement Hierarchy and Spatial Distrib

SP9	Design and Sustainability
SP13	Historic environment
D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 The most recent planning history for the site is:

2.2 **23/01984/FP** - Erection of one 3-bed dwelling, with vehicular access and parking.

Refused

2.3 **05/01764/1** – Erection of one 3- bedroom detached dwelling with associated access and parking.

Refused

2.4 Prior to this, there were also applications for a single dwelling made in 1989 and 2005. Both were refused and both dismissed at appeal.

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Comments received from 3 interested parties stating the following (summary):

- Applications on this site has been refused several times and dismissed at appeal. There is no material change.
- The site lies within the Visual Character Area of the Ashwell Neighbourhood Plan.
- The plot is relatively small, and a building here would be squeezed in contrary to local character.
- A bungalow is out of context in this location and is a result of the several site constraints.
- A single property on this site will not meet housing demands.
- The proposal would detract from rural character of this part of Ashwell which is on the outskirts of the village.
- The proposal would be harmful to the character and appearance of Gardiners Lane and the Conservation Area.
- The scheme would impede the view from Gardiners Lane towards the Grade 1 listed St Marys Church.
- The proposal would have unacceptable internal and external amenity for future occupiers.
- Insufficient information has been provided in respect of the impact on existing trees and biodiversity.
- Concerns over impact on foundations and trees in neighbouring properties.
- Another access onto Gardiners Lane will be unsafe.
- The site is only unused because it has been left to look this way by the applicant.

3.2 Ashwell Parish Council – *“Ashwell Parish Council do not support the above planning application. The grounds for objection are as follows:*

- *The development is within the conservation area and proposes to be built on an undeveloped green space.*
- *APC acknowledges that by moving the position of the dwelling towards the rear of the plot and lowering the height of the dwelling to no more than 5m it significantly reduces the visual impact on the sight line of the church. Additionally, it is noted that the property proposed is 2 bedrooms, consistent with the Ashwell Neighbourhood Plan. However, it would increase the density of dwellings on the edge of the village where dwellings should become fewer on leaving and entering the village.*

3.3 Conservation Officer – Objects to the proposal and has provided the following reason for refusal:

“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 lightsto ‘snug’, 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".

3.4 **Environmental Health** - No objection subject to conditions and informatives.

3.5 **Hertfordshire Highways** – No objection.

3.6 **North Herts Ecologist** - *I've had a look at the above application and there does not appear to be any ecological information provided. The site is 420 sqm of open land which appears to be vegetated and possibly have a wildlife interest associated with it. It claims a BNG exemption as being self-build but this is not stated in the development description, nor is there a self-build form submitted. The matrix of validation requirements on the NHC website advises that a biodiversity survey/ecological report will be required for residential development of between 1 and 9 units in most circumstances. As such more information is required please.*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is the parcel of land located on the east side of Gardiners Lane, Ashwell. The site was formally part of the residential garden of Chain Cottage, a grade II listed building, and is located between this dwelling and No.40 Gardiners Lane. The site is within the Ashwell Conservation Area and is within the Visual Character Area V1 (Church and environs).

4.2 **Proposal**

4.2.1 Outline planning permission is sought for the erection of a single self-build dwelling on unused land (all matters reserved except for appearance, layout and scale).

4.2.2 The proposed development would comprise a bungalow, measuring approx. 11.5m wide and 7.9m wide, with a dual-pitched roof measuring approx. 2.5m to eaves and 5.2m to ridge, incorporating two half-hipped roofs. The dwelling would be sited to the very rear of the site, tight to the rear and side boundaries, with a spacious area in front for private amenity space, access, parking for 2 vehicles, a turning area, and bin storage.

4.3 **Key Issues**

4.3.1 The key considerations are:

- The Principle of Development
- Heritage Impact
- Design/Impact on the Character of the Area
- Impact on the Amenities of Neighbouring Properties/Future Occupiers
- Ecology
- Sustainability

As all matters are reserved apart from appearance, layout and scale, details relating to access and landscaping are not submitted for consideration at this point.

The Principle of Development

- 4.3.2 Policy SP2 of the Local Plan states that the majority of the district's housing development will be located within the settlement boundaries of the major towns. It further states that a smaller proportion of housing and supporting infrastructure will be delivered in the adjusted settlement boundaries of five villages. It goes on to categorise the remaining villages into A, B and C based on their size and availability of services. Policy ASH1 of the Ashwell Neighbourhood Plan sets out that development will be focused within the extended settlement boundary of Ashwell and where it complies with all policies in the development plan and NPPF.
- 4.3.3 The site is located within the settlement boundary of Ashwell, which is designated as a Category A village within Policy SP2 of the Local Plan. In these Category A villages, general development is considered acceptable in principle. As such, there is no objection to the broad principle of development in this location. This is also in accordance with Policy ASH1 of the Neighbourhood Plan.
- 4.3.4 Although the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). The current published position is 3.9 years supply. Therefore, the tilted balance set out at paragraph 11 (d) of the NPPF would be engaged, which sets out that there is a presumption in favour of development, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal, or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Heritage Impacts

- 4.3.5 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. 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"*. This is reinforced by paragraph 215 of the NPPF. Policy ASH3 of the Ashwell Neighbourhood Plan states that developments affecting designated heritage assets should respect, conserve and enhance the significance of those assets.
- 4.3.6 The site is within the Ashwell Conservation Area (ACA) and is immediately adjacent to Chain Cottage, a grade II listed property. The site, and indeed Chain Cottage, are in the foreground of the Church of St Mary the Virgin, a grade I listed building. Therefore, consideration is given to the impact of the proposal upon these heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Act) 1990 requires that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or*

enhancing the character or appearance of that area". The application site also sits within Visual Character Area V1 – "The Church and Environs" within the Ashwell Neighbourhood Plan (ANP) which seeks to preserve the open nature of the church and surrounding farmsteads and meadows to the north of the village.

- 4.3.7 The Councils' Conservation Officer has been consulted on this proposed development and provided detailed comments, within which he considered the extensive planning history of this site dating back to 1989, 1998, 2005 and more recently in 2023. There have been clear and consistent objections to development on this site with heritage-based rationale, which have led to several refusals and dismissed appeals, as set out in the full response. The site is considered to be *"one of the most in-tact and unaltered parts of the ACA"* and an integral part of the transition from the village into open countryside, which is a significant part of its contribution to the character of this part of the Conservation Area. The Conservation Officer stated the following in their comments which is considered crucial to understanding the context and importance of this site/area relative to the Conservation Area and the grade I and II listed buildings:

"The application site has more in common with the nearby open countryside than it does with the urban development to the south within the heart of the village. The presence of the health centre opposite the appeal site and the two residential properties on either side of the site means that the area does not have an entirely rural character but is, in my judgement, clearly a transition area between the village and the countryside. This is more about maintaining the character of scattered built form in the area described by one Planning Inspector as being 'fragile' and where the presence of the proposed building on the site, albeit modest, would consolidate development and reduce the effectiveness of this locality as an area of transition. Keeping the site free of urban development will help to maintain views of the church and the isolated nature of Chain Cottage".

- 4.3.8 Overall, it is considered that this site makes an important contribution to the transitional character of this part of Ashwell and will help maintain the views to St Marys Church, as well as protect the isolated nature of Chain Cottage which has stood as such for a long time.
- 4.3.9 Moreover, as noted by the Conservation Officer, the proposal would incorporate Residence R9 uPVC windows and an aluminium 4-door sliding doors in anthracite grey, and 4 roof lights in the front roof slope. This is not considered to make a positive contribution to local character and distinctiveness, as required by paragraph 210 of the NPPF, as they would appear overly modern in what is a traditional context.
- 4.3.10 As such, in line with the above, it is considered that the proposed development would result in the moderate harm on the less than substantial harm continuum, to the character and appearance of the Conservation Area, the setting of grade II listed Chain Cottage, and the wider context of the grade I listed Church of St Mary the Virgin. The proposal would also result in harm to the Visual Character Area V1 as designated within the Ashwell Neighbourhood Plan. This would be contrary to Policy HE1 of the Local Plan and Section 16 of the NPPF. The proposal would also conflict with Policy ASH3 of the Ashwell Neighbourhood Plan, which requires development proposals to respect, conserve or enhance designated heritage assets. In accordance with paragraph 215 of the NPPF, the public benefits of this proposal must outweigh the harm to the significance of designated heritage assets, which will be considered at the end of this report.

Design/Impact on the Character of the Area

- 4.3.11 Policy D1 of the Local Plan states that planning permission will be granted provided that 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.
- 4.3.12 Appearance, layout and scale are submitted for consideration under this outline application.
- 4.3.13 The proposed dwelling has been designed to resemble a bungalow, with a dual-pitched roof with half hips and a front facing gabled feature. The dwelling would be sited to the rear of the plot, within 1.0m from the side and rear boundaries. The dwelling would be finished in black painted feather edged weatherboarding on a red brick plinth, slate roof tiles, and anthracite windows and doors. 4NO rooflights would be proposed on the front roof slope. The dwelling would measure approx. 11.5m wide and 7.9m wide, with a dual-pitched roof measuring approx. 2.5m to eaves and 5.2m to ridge. There would be a spacious area in front of the dwelling for private amenity space, access, parking for 2 vehicles, a turning area, and bin storage.
- 4.3.14 The proposal is a modest dwelling, given its bungalow form and proportions, and has been sited to the very rear of the plot such that it would have no rear or side amenity space. This is considered to be a direct response to previous heritage-based objections to development on this site, seeking to essentially hide the development from the important key views and minimise its impact on the character of the Conservation Area. However, whilst this is a modest dwelling, there are concerns over its appearance and layout. In terms of appearance, as noted by the Conservation Officer, 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. The external materials, namely the black painted feather edged weatherboarding on a red brick plinth and slate roof tiles, are considered acceptable. In terms of layout, it is considered that in an attempt to overcome the historic heritage-based objections to development on this site, the dwelling has been 'shoe-horned' to the rear of the site within 1.0m of the rear and side boundaries to screen it from important viewpoints and the street scene. The result of this is that the scheme does not allow for any private amenity space to the side and rear and would see all side and rear facing windows facing directly into boundaries whether that be fences, hedges or brick walls. Whilst the proposal would provide amenity space, this would be to the front of the dwelling which is atypical and would not be reflective of local character.
- 4.3.15 In terms of the impact on the character of the area, whilst the dwelling would be set to the rear of the site with relatively limited views, as set out by the Conservation Officer, the siting of the development in this location would result in harm to the traditional character of the area, which is an important area of distinction between the village and the open countryside. It is therefore considered that the proposal would be unacceptable in its impact on the character appearance of the area, which cannot be said to respond positively to the sites local context.
- 4.3.16 Therefore, it is considered that the appearance and layout of this proposal are unacceptable for the reasons set out in this report and that the development, as supported by the conservation Officer, would result in harm to the character and appearance of the area. The proposal is therefore contrary to Policy SP9 and D1 of the Local Plan and Section 12 of the NPPF.

- 4.3.17 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.18 Taking the impact on potential future occupiers initially, the proposal would meet the Nationally Prescribed Space Standards for a 2-bed/3-person dwelling and all habitable rooms would have access to natural light through windows or rooflights. As set out already in this report, the private amenity space is to be located in front of the dwelling rather than to the side and rear, which is not reflective of local character. However, in terms of the usability of the space by future occupiers and its size, the front private garden would give suitable standards of amenity. As such, the proposal would not result in harm to the amenities of future occupiers.
- 4.3.19 Considering the impact of the proposal on the immediate neighbours, the site has two immediate neighbours at Chain Cottage, due north, and 40 Gardiners Lane, due south. The dwelling would be sited to the rear of the site within 1.0m of both shared boundaries, such that it will be visible from both boundaries. However, given its modest height and the relationship/orientation between the proposed dwelling and the immediate neighbours, which will see it be a fair distance from the neighbouring dwellings with no first-floor windows, it is considered that the proposed development would not result in any material harm to the reasonable living conditions and well-being of neighbours, through overdominance, loss of daylight/sunlight and overlooking.
- 4.3.20 This is in accordance with Policy D3 of the Local Plan.

Ecology

- 4.3.21 The Council's Ecologist was consulted on this application and responded requesting that further ecological surveys/reports be submitted, given that this site is vegetated and likely would have some degree of wildlife on it. This request for further information was not taken up, in light of informal correspondence between Officers and the agent regarding the likely recommendation for this application following the objection from the Conservation Officer and the cost implications of carrying out such a survey. It is likely that if this outline application was going to be supported and achieved planning permission, then such ecological matters could form part of the reserved matters application as one of those is landscaping, which is relevant, and there is still a scenario whereby ecological consideration is given prior to approval of the final permission before development can commence. As such, an objection on such grounds under this application seems unreasonable.
- 4.3.22 The scheme would be exempt from the mandatory 10% BNG, as it is a self-build application. The relevant self-build form has been submitted to the Council.

Sustainability

- 4.3.23 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.24 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit. Secondly, in terms of the social objective, this proposal would add an additional dwelling to the district's 5-year land supply. This dwelling could also be delivered in a relatively short space of time. Lastly, in terms of the environmental objective, the

proposal would incorporate some sustainable building features, such as EV charging points and rainwater harvesting, and ecological improvements such as bat boxes and wildflower planting.

- 4.3.25 Overall, on the grounds of sustainability, the economic and social benefits of the proposal are very modest in my opinion, which is relative to the scale of development of a single dwelling. Moreover, there would be some environmental benefits through the incorporation of sustainable building features and ecological enhancements. Overall, modest weight should be attributed to these benefits.

Other Matters

- 4.3.26 Some of the matters raised by interested parties are either considered not material planning considerations or cannot be considered under this outline application, as they are reserved matters (landscaping and access related) which would need to be assessed under another reserved matters application, should outline consent be given.

4.4 Conclusion

Planning Balance

- 4.4.1 The Council cannot demonstrate a 5-year supply of deliverable housing land (5YHL), with the current published position at 3.9 years supply. Therefore, the tilted balance set out at paragraph 11 (d) of the NPPF would be engaged, which sets out that there is a presumption in favour of development, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal, or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Footnote 7 of the NPPF refers to designated heritage assets, which in this case is the Ashwell Conservation Area, the grade II listed Chain Cottage, and the grade I listed St Marys Church, such that there must be a strong reason for refusing the proposal in order to disengage the tilted balance. In line with the formal response of the Conservation Officer and in accordance with paragraph 215 of the NPPF, the identified moderate harm on the 'less than substantial harm' continuum to the heritage significance of the Ashwell Conservation Area and the Grade I/II listed buildings must be weighed against the public benefits of the proposal.

The proposal would deliver modest economic, social, and environmental benefits through the delivery of 1 dwelling towards the districts housing supply shortfall, the delivery of jobs through the build phase, and sustainable building features/ecological enhancements. The site is within the settlement boundary of a Category A village, where general development is allowed under Policy SP2 of the Local Plan and Policy ASH1 of the Neighbourhood Plan.

However, for the reasons set out in this report, the proposed development would result in harm to the character of this part of the Ashwell Conservation Area, which is an important transition between village and countryside. It would also result in harm to the setting and significance of Chain Cottage and St Marys Church, both of which are identified as being within the 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. This is contrary to Policy HE1 of the Local Plan, ASH3 of the Ashwell Neighbourhood Plan, and Section 16 of the NPPF. Great weight should be given to the conservation of

designated heritage assets, and it is considered in this case that there is a strong heritage-based reason for refusing the development, in accordance with Footnote 7 of the NPPF.

Moreover, in respect of the reserved matters of layout and appearance, by reason of its 'shoe-horned' siting to the rear of the plot within very close proximity to the rear and side boundaries leaving no rear or side private amenity space and windows looking directly at boundary features, as well as the proposed use of anthracite grey fenestration, which are considered modern in this traditional local context, the development would be unacceptable. This is considered contrary to Policies SP9 and D1 of the Local Plan, and Section 12 of the NPPF.

In line with paragraph 215 of the NPPF, it is therefore concluded that the moderate degree of harm on the less than substantial harm continuum to the relevant designated heritage assets, as well as the objections to the layout and appearance of the dwelling, would not be outweighed by the very modest public benefits of the proposal. The proposal would conflict with policies of the Local Plan, Neighbourhood Plan and NPPF which set to conserve and enhance the historic environment and achieve good design. The conflict with NPPF heritage policies provides a strong reason for refusing the proposed development.

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 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 11 June 2025	