

POST COMMITTEE COMPLIANCE REPORT

Planning Ref: 25/01420/FP	
Site Address: Highover Farm, Highover Way, Hitchin, Hertfordshire, SG4 0RQ	
Proposal: Change of use and external alterations to former agricultural buildings comprising grade II listed threshing barn and non-listed courtyard buildings. Partial demolition of courtyard building between proposed Units 1 and 2 to facilitate access. Single-storey rear extension to facilitate Unit 10. Subdivision and two-storey rear extension to farmhouse to form Units 11 and 12. Erection of new building for two dwellings (Units 13 and 14). Partial demolition and modify building for cycle storage to Units 2 to 8 inclusive. Erection of building to accommodate 2 car port spaces for Unit 5 and refuse storage for Units 2-8 inclusive. Detached bin enclosure / cycle store buildings for Units 9 - 14 inclusive. Hard and soft landscaping in association with the provision of private and communal space. Boundary treatment, installation of 14no. EV charging points, installation of solar PV array on south facing roof slopes of Unit 14 and both the cycle and refuse storage buildings serving Units 2 -8 including provision of BNG area - LBC25/013830LBC - Internal and external alterations to threshing barn to facilitate change of use to 2no. self-contained dwellings (Unit 3 to also include adjacent unlisted, single-storey courtyard building).	
Committee date	19 th March 2026
Date final draft S106 posted on website	10 th July 2026
Case Officer	Linda Walker

1. Purpose of report

- 1.1. This report updates the Development and Conservation Manager on any amendments to the proposed conditions and planning obligations agreed by the Planning Control Committee (PCC) on the 19th March 2026 and confirms that the Section 106 Heads of Terms agreed by PCC have been incorporated into the final S106 agreement or secured by an equivalent mechanism.
- 1.2. The report also sets out any relevant changes to legislation, planning policies and guidance since the assessment of the application, or any other material considerations that have arisen since the PCC meeting on the 19th March 2026, which could have resulted in PCC Members reaching a different planning decision and therefore require the application to be referred back to PCC for reconsideration.
- 1.3. A summary is also provided of any new relevant planning issues raised by third party representations on the application since the PCC meeting (19th March 2026).

2. Recommendation

- 2.1. That FULL planning permission be granted subject to the completion of a satisfactory S106 legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required, and subject to the conditions and informatises set out in the committee report dated 19th March 2026.

3. Background

- 3.1. This FULL planning application (Planning ref: 25/01420/FP) has a resolution from PCC (19/03/26) to grant planning permission subject to the imposition of conditions and the completion of a S106 legal agreement.
- 3.2 The FULL application is accompanied by a Listed Building Consent application, 25/013830LBC for Internal and external alterations to facilitate change of use of the site. As the LBC does not include any financial contributions, no further report is required for this application.

4. Condition amendments

- 4.1 Minor amendments have been made to the wording of some of the proposed conditions following the Planning Control Committee resolution. In addition, a small number of conditions omitted from the list of conditions at Section 11 of the Committee report have been included. The amended and additional conditions are set out below, with any proposed the changes highlighted.

- 4.2 **Condition 3** - This condition relates to the detailed soft landscaping scheme and replacement tree planting. The condition is amended because, whilst the broad principles of the submitted landscaping scheme are considered acceptable, further information is required in respect of the detailed planting scheme. In addition, the pathway shown in the northern corner of the site is not approved under this condition, as its precise position, alignment and associated details remain to be agreed under condition 5. Amended Condition 3 should therefore read:

Notwithstanding the submitted landscape proposals shown on – landscape proposals, drawing No. HFH 01 prepared by C.A.T Landscape Consultancy, submitted on 28/05/2025, prior to the occupation of the development hereby permitted full details of a comprehensive soft landscaping scheme (including planting details) shall be submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Included in the submitted details, following the felling hereby permitted removal of Horse Chestnut 1077 being carried out, a replacement extra heavy standard Lime tree with a stem girth of 18 to 20cm and standing at approximately 4 to 5 metres in height, shall be planted within the same vicinity of the removed tree. The replacement tree planting shall be carried out in the first full planting season following the felling. Any trees which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another of a similar size and species. For the purpose of this requirement, the planting season shall mean the period from November – February.

For the avoidance of doubt, the pathway shown in the northern corner of the site on the submitted landscape proposals, drawing No. HFH 01 is not approved by this condition. No pathway shall be installed in this location unless and until details of its siting, alignment, surfacing, construction and any associated landscaping have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: **For the avoidance of doubt** and to ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

- 4.3 **Condition 4** – The principles of the submitted tree protection scheme are broadly accepted. However, the submitted Tree Protection Plan should be amended to provide improved tree protection measures, where practicable, including revised tree protection fencing and working areas which avoid or minimise encroachment within the root protection areas of the trees located within the centre of the site. In addition, the pathway shown in the northern corner of the site is not approved under this condition, as its precise position, alignment and associated details remain to be agreed under condition 5. Condition 4 should therefore read

Condition 4 – Notwithstanding the submitted Tree protection details – Arboricultural Method Statement and Tree Protection Plan – drawing No. 5521.HighoverJK.TPP, prepared by Andrew Belson Ltd, submitted on 17/06/25, no works or development including demolition shall take place before a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 (“Trees in relation to construction – 1990”) and BS 3998 (“Recommendations for tree works – 1989”).

The approved scheme for the protection of the existing trees shall be implemented BEFORE ANY DEVELOPMENT COMMENCES, and be maintained in full until the development has been completed Reason: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired in accordance with the NPPF and North Hertfordshire Local Plan Policies NE4.

For the avoidance of doubt, the pathway shown in the northern corner of the site on the submitted landscape proposals, drawing No. 5521.HighoverJK.TPP is not approved by this condition. No pathway shall be installed in this location unless and until details of its siting, alignment, surfacing, construction and any associated tree protection have first been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be carried out only in accordance with the approved details.

Reason: **For the avoidance of doubt** and to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired in accordance with the NPPF and North Hertfordshire Local Plan Policies NE4.

- 4.4 Condition 5 – This condition relates to the submission of detailed hard landscaping details. Whilst the broad principles of the hard surfacing shown on the submitted landscape proposals and proposed block masterplan are considered acceptable, full details of the hard landscaping scheme are required. In addition, the pathway shown in the northern corner of the site is not approved under this condition, as its precise position, alignment, surfacing, construction details and relationship with the approved soft landscaping and tree protection measures remain to be agreed. Condition 5 should therefore read:

Condition 5 - Notwithstanding the hard landscaping details shown on the submitted landscape proposals (drawing no. HFH 01) Landscape Consultancy, submitted on 28/05/2025 and the proposed block masterplan, drawing no.2208.PL.05F, submitted on 10/02/2026, no hard landscaping works shall be carried out until full details of all hard surfacing and hard landscape features have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the location, design, materials, surfacing, construction specification, levels, drainage details and method of installation of all hard surfaced areas, paths, accessways, parking areas, and any associated hard landscape features.

For the avoidance of doubt, the pathway shown in the northern corner of the site on the submitted landscape proposals and/or proposed block masterplan is not approved by this condition. No pathway shall be installed in this location unless and until details of its precise siting, alignment, surfacing, construction, drainage, relationship with retained trees and associated landscaping have first been submitted to and approved in writing by the Local Planning Authority.

The hard landscaping shall thereafter be carried out in accordance with the approved details prior to the occupation of the relevant part of the development, or in accordance with such phasing as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that the hard landscaping is appropriate to the character and appearance of the site, protects retained trees and soft landscaping, and provides a satisfactory form of development in accordance with Local Plan Policies D1, NE4 and N2.

- 4.5 Condition 16 – This is a compliance condition requiring all windows and doors to be manufactured in timber. However, the submitted elevation plans do not specify the colour or finish of the timber windows and doors. It is therefore considered necessary to amend the condition to require these details to be submitted to and approved in writing by the Local Planning Authority prior to installation, to ensure that the external appearance of the development is acceptable and appropriate to the character and appearance of the site and its heritage context. Condition 16 should therefore read:

All new windows and doors shall be manufactured in timber, prior to the installation of any windows or doors details of the colour or finish of the timber windows and doors shall be submitted to and approved in writing by the Local Planning Authority.

All windows and doors shall thereafter be installed and retained in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grouping at Highover Farm under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

- 4.6 When considering the application through the consultation process, the Lead Local Flood Authority (LLFA) requested that a series of conditions be imposed on any planning permission, requiring the submission and approval of a sustainable drainage scheme, flood resilient and resistant measures, and a survey and verification report. These matters were fully considered in the Committee report presented to Planning Control Committee on 19/03/26; however, the associated conditions were inadvertently omitted from the list of recommended conditions. The additional conditions proposed to be imposed are set out below:

Condition 35

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. **a timetable for its implementation.**
- II. **details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.**

- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.**

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts District Council.

Condition 36

Prior to the commencement of the development details of all flood resilient and resistant measures shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts District Council.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts District Council.

Condition 37

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority.

The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 35.

Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts District Council.

4.7 As set out above, minor amendments have been made to the wording of the proposed conditions, and some omitted conditions have been added, following the PCC resolution on 19 March 2026. These amendments are considered to be minor and do not alter the purpose or effect of the conditions previously considered by PCC Members. The details in relation to the omitted conditions now included were also addressed within the Committee report, and their inclusion therefore reflects matters already considered by Members. Accordingly, the minor amendments and inclusion of omitted conditions do not give rise to any new material planning considerations, nor would they have resulted in PCC reaching a different conclusion. It is therefore considered that the application does not need to be referred back to Planning Control Committee for further consideration, in relation to conditions amendments.

5 Representations received by interested parties and statutory consultees (Post PCC)

5.1 One representation has been received by a local resident raising concerns about ongoing activities at the site. It should be noted that the activities noted, could relate to the main Highover Farm development, under outline ref: 18/01154/OP, or the subsequent approved RM infrastructure application ref: 24/02780/RM, in any case, officers have (09/07/26) informed the Councils Enforcement team to undertake investigations. There have been no other representations made from other interested parties or statutory consultees following presentation of the application to PCC on 19/03/26.

6 Planning Policies and Material considerations

6.1 This report considers whether the application:

- (a) Can be determined (by issuing a decision notice) based upon the existing resolution of PCC; or
- (b) Whether there have been any material changes in circumstances or new planning issues that would or could result in the PCC reaching a different conclusion from that reached.

6.2 The Council is required to discharge its statutory duty under s70(2) of the Town and Country Planning Act (as amended), and in doing so the Council must consider whether to grant planning permission or not, considering all relevant material considerations at the time of issuing a decision notice on a planning application. Case law – *Kides, R (on the application of) v South Cambridgeshire District Council & Ors* [2002] EWCA Civ 1370, is relevant given that a period has passed following the resolution of the PCC to grant planning permission.

6.3 In summary the *Kides* case assessed the nature and extent of a Council's duty under Section 70(2) of the Act. The appellant's contention was based on a duration of more than five years passing between the Council's decision, in principle, to grant planning permission and the issuing of the decision notice; and that several material changes in circumstances had taken place during that period. The permission to apply for judicial review was refused and the appeal dismissed at the Court of Appeal. This was on the basis that the Council had not failed in its duty to 'have regard to' material considerations when issuing the decision. The case

provides guidance to local planning authorities in considering whether new or emerging planning consideration would result in a requirement to refer back to planning committee. In the Kides case, it was found that in not in every case where a new material consideration arises, after passing a resolution, but before the issuing of a decision notice, that there has to be referral back to committee.

- 6.4 The judgement in Kides indicated that the Council's duty is discharged if, at the date on which the decision notice is issued, the Authority has considered all material considerations relating to the application and has done so with the application in mind. In practical terms, therefore, where since the passing of the resolution, a new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a 'material consideration' the delegated officer should err on the side of caution and refer the application back to PCC for specific reconsideration, in light of that new factor.
- 6.5 The application should only proceed for determination if the delegated officer is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach the same decision. In the Kides case the Council did not accept that any of the factors were justified or significant objections at all, let alone ones, which taken together, would lead to a different result. The judge held that the Council's decision would have been the same.
- 6.6 The North Herts Design Code, adopted on the 29th June 2026, sets out requirements for the design of neighbourhoods, open spaces, streets and buildings. These requirements will help ensure that future development is consistently high quality, locally distinctive and shaped around the needs of the people who live and work here.
- 6.7 The North Herts Design Code, adopted on 29 June 2026, is a material consideration in the determination of planning applications. However, in this case, the application was assessed by Planning Control Committee before the Design Code was adopted. At that time, the Council's existing design guidance, including the Design Guide, was taken into account as part of the assessment of the proposal. Having reviewed the application against the newly adopted Design Code, officers are satisfied that it does not raise any new design issues which would have led PCC to reach a different decision.
- 6.8 Since the resolution by PCC no material changes have been made to the report, in relation to planning policy, legalisation or material considerations, and the officer recommendation to approve the application remains unchanged to that found in the committee report 19/03/26.

7 Planning Obligations – S106 Heads of Terms

- 7.1 The Heads of Terms presented to the PCC contained headlines summarising the proposed content of the detailed Section 106 Legal Agreement. In the intervening period between the meeting of PCC and this report, detailed s106 drafting has

been undertaken, translating the headlines into detailed clauses, triggers and contributions.

7.2 The final S106 is in accordance with the Heads of Terms.

8 Conclusion and Recommendation to the Development and Conservation Manager

8.1 Officers consider that no material considerations have arisen since PCC that would have resulted in a different recommendation from the PCC or would have affected the determination of the PCC.

8.2 It is considered that the Council's duty has been discharged in this case, as that the date at which the decision notice is to be issued, the authority has considered all material considerations affecting the application and has done so with the application in mind. Since the passing of the resolution, all new factors which might rationally be regarded as material considerations or the purposes of Section 70(2) of the Act, have been duly considered and the delegated officer is fully aware of their relevance to the decision-making process. On further consideration taking account all of the above, officers have concluded that the authority would reach the same decision.

8.3 The final S106 Legal Agreement is considered to accord with the Heads of Terms, and therefore it is recommended that the Development and Conservation Manager agree the details of the Section 106 Agreement for execution and issue the decision notice.

Recommending Officer and Date

Linda Walker 9th July 2026

Authorising Officer and Date

A handwritten signature in black ink, appearing to read 'S Greaves'.

Shaun Greaves 14 July 2026