

DELEGATED FILE NOTE

CASE OFFICER: ...Tabitha Kaye.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00213/FP	Erection of rear boundary fence, pedestrian gate to existing boundary fence, and the erection of a rear gazebo (development already carried out)	The Three Horseshoes Willian Road Willian Letchworth Garden City Hertfordshire SG6 2AE

Submitted Plan Nos

25 02 01A 25 02 04 3HR:02 3HR:03

1.0 Policies

SECN13	Protecting Green Belt Land
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment
SP1	Sustainable development in North Herts
SP5	Countryside and Green Belt
SP9	Design and Sustainability
SP13	Historic environment
D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets

2.0 **Site History**

- 2.1 25/02425/FP: Erection of two boundary fences. Conditional Permission (17/12/26)
- 2.2 18/02574/FP: Single storey extension to public house; single storey rear extension to outbuilding; change of south facing door to a window and associated bricking up. Conditional Permission (19/02/19).
- 2.3 18/00446/FP: Single storey addition to form new rear entrance porch. Rear extension to outbuilding. External alterations. (as amended by plans and elevations received 11/07/2018). Conditional Permission (13/07/18).
- 2.4 08/01110/1: Erection of single storey canopy addition to storage area and addition of 1.2m high ballustrading and steps with hand rail to patio area (as amended by plans received on 29 August 2008 and 24 September 2008). Conditional Permission (16/10/08).

3.0 **Representations**

- 3.1 **Neighbour Consultation** – No comments received at the time of writing report.
- 3.2 **NHC Conservation** – No objection.
- 3.3 **HCC Highways** – No objection.
- 3.4 **Letchworth Garden City Heritage Foundation** – No comments - site falls outside of LGCHF portfolio.
- 3.5 **NHC Planning Enforcement** – No comments received at the time of writing report.

4.0 **Planning Considerations**

- 4.1 **Site and Surroundings**

- 4.1.1 The application site accommodates the Three Horseshoes public house situated on the intersection between Willian Road and Baldock Lane. The Three Horseshoes is a Grade II Listed building and is within the Willian settlement boundary and Conservation Area. The site is brushed over by the Green Belt.
- 4.1.2 The Three Horseshoes benefits from a rear 'beer' garden to the north. The garden fronts Baldock Road to the west, and borders the curtilages of residential properties to the north and east. The existing west and east boundary fences have conditional permission under 25/02425/FP.

4.2 **Proposal**

- 4.2.1 Retrospective planning permission for the erection of rear boundary fence, pedestrian gate to existing boundary fence, and the erection of a rear gazebo.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The impact of the development upon the Green Belt;
 - The acceptability of the design of the development and its impact on the character and appearance of the area;
 - The impact of the development upon the historic environment;
 - The impact of the development on the living conditions of neighbouring properties;
 - Highways and parking matters;
 - The impact of the development on the environment.

Impact on the Green Belt

- 4.3.2 Policy SP5 states that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development, or where very special circumstances have been demonstrated. Policy SP5 is commensurate with Paragraph

154 of Section 13 of the NPPF, which states that development within the Green Belt is inappropriate unless it falls within an exemption, including:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

4.3.3 In relation to the gazebo, it is established by case law that a detached structure can be considered an extension to a building, providing that the structure is within the curtilage. The gazebo is within the rear curtilage of The Three Horseshoes and measures only 16.2 sqm. On account of this, I consider that the gazebo does not constitute a disproportionate addition to the original Three Horseshoes building. Likewise, the minor scale of the rear boundary fence and pedestrian gate would not be disproportionate additions. The development therefore complies with paragraph 154(c).

4.3.4 While the development would not constitute 'inappropriate development', it is still important to consider whether the proposal would have an adverse impact on the five purposes of the Green Belt, as outlined by paragraph 143 of the NPPF, as well as harm to its openness, as required by paragraph 153. Taking each in turn:

- a) *to check the unrestricted sprawl of large built-up areas* – the development would be confined to curtilage of the Three Horseshoes and is minimal in scale. Therefore, the development complies with 143(a);
- b) *to prevent neighbouring towns merging into one another* – see above;
- c) *to assist in safeguarding the countryside from encroachment* – see above;
- d) *to preserve the setting and special character of historic towns* – the siting of the development to the rear of the Three Horseshoes is well screened and would therefore not impact the character of the broader settlement. As such, the development complies with 143(d);
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land* – N/A.

In relation to openness, the development constitutes a minor increase in built form. Both the gazebo, fencing and pedestrian gate are largely screened due to their positioning at the rear of the site. Therefore, the development does not constitute unacceptable harm to openness.

4.3.5 Overall, the development is considered to be acceptable within the Green Belt.

Design

- 4.3.6 Policy D1 of the Local Plan requires that development proposals respond positively to the site's local context and is broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.7 The gazebo is moderate in scale and is of an open design which befits the character of the rear garden. The pedestrian gate is minor in scale and matches the materials of the associated west boundary fencing. Both the gazebo and pedestrian gate are therefore acceptable in design terms.
- 4.3.8 The rear boundary fence separates the site from neighbouring residences, Manor Cottages. The fencing is staggered in height: the western part of the fence is constructed of close board timber fencing and trellis to the top, measuring 2.5m in height, with the remaining part of the fence being close board timber fencing only, measuring 1.9m in height. Land levels decrease slightly to the east-most part of the rear border, with the 1.9m fencing being set slightly lower. The materials and design of the fencing match the fencing permitted for retention under 25/02425/FP. The scale and materials of the fencing are therefore acceptable.
- 4.3.9 Overall, the proposal is considered to accord with Policy D1 of the Local Plan, as well as paragraph 135 of Section 12 of the National Planning Policy Framework.

Impact on the Historic Environment

- 4.3.10 The gazebo, fencing and gate are within the curtilage of the Three Horseshoes, a Grade II Listed public house. The site is within the Willian Conservation Area. Policy HE1 emphasises how permission will be refused where proposals would cause substantial harm or a loss of significance to a Heritage Asset -in this case, the Grade II Listed Three Horseshoes public house, and the Willian Conservation Area. Policy SP13 emphasises how great weight will be given to the potential harms to the significance of heritage assets, seeking their conservation and management of their setting. This policy is broadly consistent with Section 16 of the National Planning Policy Framework. Policy HE1 is consistent with s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 4.3.11 The scale of the gazebo, rear boundary fence and pedestrian gate are minor and befit the existing character of the public house garden. Views from the Willian Conservation Area are limited due to the developments' positioning to the rear of the site, and therefore have a minimal impact on the character of the Willian Conservation Area. As supported by comments from the NHC Conservation Officer, the development is therefore unobjectionable based upon its impact on the Grade II Listed Building and Willian Conservation Area.
- 4.3.12 The impacts to the Grade II Listed Building and surrounding Conservation Area are considered to be acceptable, and the significance of these heritage assets are not

unacceptably harmed. Policies HE1 and SP13 of the Local Plan 2011-2031 and Section 16 of the NPPF are considered to be complied with. The development is considered to comply with s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Neighbours

- 4.3.13 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.14 The rear boundary fence is of an appropriate height and therefore does not have an unacceptable impact on the amenity space of the neighbouring property to the north. Given the appropriate scale of the gazebo in relation to the rear boundary fencing and existing vegetation, meaning that it is well screened from neighbouring dwellings, the gazebo does not give rise to neighbour amenity issues.
- 4.3.15 I therefore find that the development would not have an unacceptable impact on existing residential amenity and accords with Policy D3 of the NHLP and Section 12 of the NPPF.

Highways and Parking

- 4.3.16 The development does not impact existing parking matters and therefore complies with Policy T2 of the NHLP.

Environmental Implications

- 4.3.17 Policy D1 of the NHLP outlines the Council's commitment to supporting climate change mitigation through the requirement for schemes to incorporate the principles of 'sustainable design'; with which the proposal complies. Policy D1 is broadly consistent with the aims of Section 14 of the NPPF. There are no other environmental implications as a result of the development.

Biodiversity Net Gain

4.3.15 This is a form of development which is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, due it falling under the scope of the 'de minimis' exemption.

4.4 **Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

4.5 **Alternative Options**

4.5.1 None.

4.6 **Pre-Commencement Conditions**

4.6.1 None.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED**, subject to the following conditions:

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 30 March 2026	