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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Melissa Tyler.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                                                                                                                                                  | APPLICATION SITE                                                                     |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 26/01362/FP              | Erection of one detached five-bedroom dwelling with associated detached garage and outbuildings, access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding.<br>(Development has commenced). | Glencoe Villa<br>Snailswell Lane<br>Ickleford<br>Hitchin<br>Hertfordshire<br>SG5 3TS |

**Submitted Plan Nos**

PO1A PO2A PO3A PO4A PO5 PO6 PO7 PO8B

**1.0     Policies**

|        |                                          |
|--------|------------------------------------------|
| D1     | Sustainable design                       |
| D2     | House exts, replcmnt dwellings outbuild  |
| D3     | Protecting living conditions             |
| NP4    | Ickleford NP                             |
| SECN12 | Achieving well-designed places           |
| SP2    | Settlement Hierarchy and Spatial Distrib |
| SP5    | Countryside and Green Belt               |
| SP9    | Design and Sustainability                |
| T2     | Parking                                  |
| SPDVP  | Vehicle Parking at New Development       |
| SPDDS  | Design Supplementary Planning Document   |
| SECN13 | Protecting Green Belt Land               |

## 2.0 **Site History**

- 2.1 **26/00637/FP** Erection of a detached five-bedroom dwelling with associated detached garage and outbuildings, access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding (Development has commenced). **Refused 14/05/2026 for**
- 1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. The harm by reason of inappropriateness, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal is therefore contrary to Chapter 13 of the National Planning Policy Framework and Policies SP5 and D2 of the North Hertfordshire Local Plan 2011-2031*
- 2. The proposed outbuildings and associated domestic development would result in a materially greater impact on the openness and rural character of the site than the previously approved development. The proposal would undermine the effectiveness of the planning condition previously imposed to remove permitted development rights, the necessity of which was confirmed through a dismissed appeal. The development is therefore contrary to the National Planning Policy Framework and Policies SP5 and D2 of the North Hertfordshire Local Plan 2011-2031*
- 2.2 **25/01822/FP** Erection of one detached 5-bed dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding (Development has commenced) **Approved**
- 2.3 **24/01868/S73** Removal of condition 9 of planning permission 23/00505/S73 granted 20.04.2023 for the erection of one detached four bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding. **Refused 08/10/2024 for:**
- 1. The removal of Condition 9 of planning permission 23/00505/S73 would allow for the construction of outbuildings and extensions within the application site. This could result in development within the Green Belt that could be inappropriate and result in harmful loss of openness. It is therefore considered that Condition 9 is justified in order to allow the Local Planning Authority to assess possible future development within the Green Belt through the submission of a planning application. The application for the removal of Condition 9 from planning permission 23/00505/S73 is considered to fail to comply with the provisions set out within Policy SP5 of the adopted Local Plan; and Section 13 of the National Planning Policy Framework.*
- 2.4 **23/00505/S73** - Variation of Condition 2 (approved plans and details) of planning permission 22/00172/FP granted 28/03/2022 for the erection of one detached four bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – **Approved 20/04/23.**

- 2.5 **22/02627/S73** - Variation of condition 2 (revision of dwelling design) of previously approved planning permission 22/00172/FP granted 28/03/2022 - erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – Refused 09/12/22 for:
- 1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified through loss of openness. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal does not comply with Policy SP5 of the adopted Local Plan; and Section 13 of the National Planning Policy Framework.*
  - 2. The proposed development by reason of its design, siting and appearance would be detrimental to the character and appearance of the locality. The proposal does not comply with Policies SP9 and D1 of the adopted Local Plan; and Section 12 of the National Planning Policy Framework.*

**Appeal dismissed 13/12/23.**

- 2.6 **22/00172/FP** - Erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – **Approved 28/03/22.**
- 2.7 **21/01300/FP** - Erection of one detached 3-bed dwelling – **Refused 15/06/21** for:
- 1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified through loss of openness. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal does not comply with Policies 2 and 3 of the 1996 Adopted Local Plan; Policies SP1 and SP5 of the Emerging Local Plan; and Section 13 of the National Planning Policy Framework.*
- 2.8 **20/01168/FP** - Erection of one detached single storey 3-bed dwelling – **Approved 27/10/20.**

### 3.0 **Representations**

- 3.1 **Parish Council** – *The Parish Council has reviewed the submitted site layout plans and notes the presence of an access point on the eastern side of the site. Whilst the plans do not currently identify this as a vehicular access, the Parish Council is concerned that the layout could potentially allow for future vehicular use.*

*The Parish Council therefore requests that, should North Hertfordshire District Council be minded granting planning permission, a condition be imposed restricting the eastern access point to pedestrian access only and preventing its use for vehicular access or egress.*

*The Parish Council considers such a condition to be reasonable and necessary in the interests of highway safety and to provide clarity regarding the intended use of the access arrangements serving the development.*

- 3.3 **Environmental Health** – The application is supported by land contamination reports including a remediation strategy document which I have previously approved on other applications. I, therefore, have no objections to the proposals subject to the following condition being placed on any decision notice should you be minded to grant approval.
- 3.4 **Highways officer** – Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission
- 3.5 **Herts Ecology** – As development has commenced on site BNG will not apply and no ecological information has been provided, hence I have no comments to make. Should the officer be minded to approve an Ecological Enhancement Plan condition may be attached.
- 3.6 **UPPER OUSE WATER MANAGEMENT BOARD** – requires further information on SUDs
- 3.7 **Neighbours** – no third party replies received.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site comprises land to the east and north of a detached two storey dwelling (Glencoe Villa), which slopes up gently to the rear. The site has been used for a coal merchant business in association with Glencoe Villa, which had various associated buildings and structures remaining within the site and some trees, most of which have been removed.
- 4.1.2 The wider locality has a rural character with a small number of dwellings nearby on the north edge of Ickleford, with a caravan park to the east.
- 4.1.3 The application site lies within the Green Belt wherein there is a strong presumption against inappropriate development. Planning permission has previously been granted for a new dwelling at the site subject to conditions, including the removal of permitted development rights for extensions and outbuildings in the interests of safeguarding the openness of the Green Belt.

##### 4.2 **Proposal**

- 4.2.1 This application seeks to erect a detached five-bedroom dwelling with associated detached garage and outbuildings, access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding (Development has commenced).
- 4.2.2 The proposed dwelling would largely be as per that approved under application ref. 25/01822/FP in terms of its design, form, dimensions and architectural characteristics. However, the previously approved single-storey flat roof extension to the west-facing flank elevation of the proposed dwelling has been fully enclosed compared with this earlier consent. Furthermore,

a detached garage is proposed immediately adjacent to the driveway, and two detached outbuildings proposed to the rear of the dwelling.

#### 4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the principle is acceptable, and design, and neighbour amenity.

#### **Principle of Development**

- 4.3.2 Whilst the principle of a dwelling has previously been accepted on the site, the current application must be assessed on its own merits having regard to the cumulative impact of the proposed amendments and additional outbuildings.
- 4.3.3 The proposed single storey side extension, proposed triple garage (two spaces enclosed spaces and one carport style bay) and 2 new outbuildings to facilitate a gym and office, when considered alongside the approved dwelling and associated domestication of the site, would materially increase the built form across the site. The scale, spread and massing of development would exceed that previously considered acceptable and would result in development beyond what could reasonably be regarded as limited or appropriate within the Green Belt.
- 4.3.4 The application site lies within the Green Belt where the fundamental aim of national and local planning policy is to prevent urban sprawl by keeping land permanently open. Policy SP5 of the North Hertfordshire Local Plan and Section 13 of the National Planning Policy Framework (NPPF) seek to ensure that development within the Green Belt preserves its openness and does not conflict with the purposes of including land within it.
- 4.3.5 The site benefits from an extant planning permission for the erection of a five-bedroom dwelling. As such, the principle of a replacement dwelling has already been established through that permission. The applicant contends that the site should be regarded as Grey Belt land, as defined within the NPPF. Whilst that argument is acknowledged, it is of limited relevance to the determination of the current application. The relevance of Grey Belt is limited in this case, as the current proposal does not relate to establishing the principle of a new dwelling on previously undeveloped Green Belt land, but instead concerns the provision of additional domestic outbuildings and a garage associated with a dwelling that has already been accepted in principle. The Grey Belt provisions within the NPPF are primarily concerned with identifying areas of Green Belt land where the development of housing (and other development) may be considered appropriate, subject to the relevant policy tests being met. There is no shortage of existing outbuildings within gardens through the District and therefore it is the view of the LPA that Grey Belt policy does not apply in this case.
- 4.3.6 The extant planning permission has established the principle of the dwelling on the site. However, it does not establish the principle of additional domestic outbuildings. These elements were specifically considered under previous applications, where planning permission for outbuildings was refused. In addition, permitted development rights for outbuildings and other domestic additions were removed from the original planning permission to prevent the uncontrolled proliferation of built development that could erode the openness of the Green Belt. A subsequent application to remove that condition was dismissed at appeal (app ref

AP/24/00032/REF), with the Inspector concluding that unrestricted additions and outbuildings could cumulatively harm the openness of the Green Belt and that such controls were necessary and reasonable.

- 4.3.7 The current proposal effectively seeks to introduce development of the type and scale that the condition and subsequent appeal decision sought to prevent. The proposal therefore directly conflicts with the reasoning of the appeal decision and reinforces the conclusion that further outbuildings would be harmful to the openness of the Green Belt.
- 4.3.8 The current proposal therefore falls to be assessed on whether the proposed outbuildings and detached garage are acceptable in their own right. The concept of Grey Belt cannot reasonably be relied upon to revisit or extend the established principle of development beyond that already approved. The key consideration is whether the additional buildings would preserve the openness of the Green Belt and accord with Policies SP5, D1 and D2 of the North Hertfordshire Local Plan and the relevant provisions of the NPPF. The previous appeal decision is a significant material consideration in this assessment, as it confirms the need to carefully control additional built development on the site in the interests of safeguarding the openness and character of the Green Belt.

#### **Impact on Openness of the Green Belt**

- 4.3.9 Openness has both spatial and visual dimensions. The proposed outbuildings would introduce additional built form and associated domestic paraphernalia into an otherwise open rural setting. Collectively, the amendments would intensify the domestic presence on the site and reduce the perception of openness.
- 4.3.10 Although the structures will be single-storey in form, the cumulative impact of multiple buildings, hardstanding and associated residential activity would result in a materially greater impact on the openness of the Green Belt than the approved scheme
- 4.3.11 The proposal would therefore conflict with the fundamental aim of Green Belt policy as set out in the NPPF and with the relevant policies of the North Hertfordshire Local Plan

#### **Very Special Circumstances**

- 4.3.12 No very special circumstances have been advanced which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and loss of openness, together with any other harm identified.

#### **Character and appearance**

- 4.3.13 The dwelling with the additional extension and outbuildings will use the same materials as previously granted dwelling. Given that the majority of the dwelling has been commenced and near completion the proposed design of the additional extension is in keeping. The proposed development is considered to be of an acceptable design.

#### **Neighbour amenity**

- 4.3.14 Due to the siting and design of the dwelling and additional outbuildings I do not consider that it would appear overbearing, cause loss of light, privacy and amenity to other nearby dwellings. Impacts on residential amenity are acceptable.

#### 4.4 **Conclusion**

- 4.4.1 The proposed amendments and additional outbuildings would constitute inappropriate development within the Green Belt. The proposal would result in a harmful erosion of openness through the cumulative increase in built form and domestication of the site. Substantial weight is attached to this harm.

The proposal would conflict with Chapter 13 of the NPPF and Policies SP5 and D2 of the North Hertfordshire Local Plan 2011–2031. The proposal would also conflict with the conclusions of the previous dismissed appeal relating to the removal of permitted development rights.

- 4.4.2 In the absence of material planning reasons or very special circumstances to the contrary it is my view that planning permission is **REFUSED**.

#### 5.0 **Recommendation**

- 5.1 That planning permission be **REFUSED** for the following reason:

1. The proposed outbuildings and detached garage, by reason of their scale, siting and cumulative built form, would result in an unjustified increase in development within the Green Belt, causing harm to its openness. Whilst the site benefits from planning permission for a dwelling, and the applicant contends that the land constitutes Grey Belt as defined by the National Planning Policy Framework, that does not establish the acceptability of additional domestic outbuildings beyond those previously approved. The proposal would materially exceed the development that has been accepted in principle, and the applicant has failed to demonstrate that the additional buildings satisfy the relevant policy tests applicable to development within the Green Belt or that they would preserve openness and avoid conflict with the purposes of the Green Belt. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework and Policies SP5, D1 and D2 of the North Hertfordshire Local Plan 2011-2031.
2. The proposed outbuildings and associated domestic development would result in a materially greater impact on the openness and rural character of the site than the previously approved development. The proposal would undermine the effectiveness of the planning condition previously imposed to remove permitted development rights, the necessity of which was confirmed through a dismissed appeal. The development is therefore contrary to the National Planning Policy Framework and Policies SP5 and D2 of the North Hertfordshire Local Plan 2011-2031

**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.

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| <div data-bbox="254 693 357 732">Signed</div> <div data-bbox="269 791 574 846"></div> <div data-bbox="254 846 472 882">Anne McDonald</div> <div data-bbox="254 1014 518 1052">Determining Officer</div> | <div data-bbox="787 728 1252 963">Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</div> |
| <div data-bbox="254 1056 505 1092"><b>Date:</b> 10 July 2026</div>                                                                                                                                                                                                                       |                                                                                                                                                                                  |