

**PLANNING STATEMENT
(INCORPORATING SUSTAINABILITY &
ENERGY STATEMENT)**

**DEMOLITION OF EXISTING DWELLING
AND ERECTION OF REPLACEMENT
DWELLING AND ASSOCIATED WORK**

AT

**FEAR END,
FEARS GREEN
SANDON,
BUNTINGFORD,
SG9 0QY**



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1.0 INTRODUCTION

- 1.1 The application site is located in Sandon, outside of the development boundary and within the countryside. The site is situated amongst agricultural land, with little else in the immediate vicinity. The dwelling is single storey, built in the 1980's, purchased in a kit format. The dwelling is rendered, over a dwarf brick plinth with pantiles to the roof. The subject dwelling is approximately 1.0 km north east of the village of Sandon, which itself is located around 6 km north-west of Buntingford and 8 km south-east of Royston. Further residential properties, Fears End and Fallowfields, are immediately to the north west of the barns. Apart from some very low key storage of agricultural implements, the buildings are now underutilised.
- 1.2 The dwelling is not located within flood zones 2 and 3. The dwelling sits back from the highway, accessed via an existing 30 meter private drive. To the immediate rear of the site, the site, which is within the same ownership, has Class Q Prior Approval for the conversion of agricultural buildings into seven dwellings.

2.0 BACKGROUND & PROPOSAL

- 2.1 The current proposal is to demolish the existing dwelling and replace this with an identical dwelling which also includes the extant planning permission for an extension. The proposal will be identical in all respects to the existing dwelling with the exception of some external materials.
- 2.2 As previously mentioned, this application follows an earlier planning permission at the site (25/00212/FPH) which saw the proposal of a side extension. This included an additional floor, designed by retaining the existing ridge line but providing some space below ground. This permission is extant and will be implemented and completed if this planning application is refused and dismissed on appeal.



- 2.3 The approved planning permission provides for the precise same development as proposed within this application, with the exception that this will also see the demolition and replacement of the existing dwelling on a like for like basis. The proposal will therefore see the same built development as the extension permission.

3.0 NATIONAL POLICY

- 3.1 National Planning Policy consists of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) and is of material importance to the application in hand.

- 3.2 Paragraph 10 of the NPPF states that;

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).”

- 3.3 It goes on to elaborate in paragraph 11 that for decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 3.4 Paragraph 8 of the NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental, these are covered in this report in



section 6.

- 3.5 Paragraph 38 states that “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.
- 3.6 Paragraph 65 makes it clear that the provision of affordable housing should not be sought for residential developments that are not classified as being ‘major’.
- 3.7 Paragraph 83 of the NPPF also advises to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities.
- 3.8 Paragraph 135 states that planning decisions should ensure that developments: “are visually attractive as a result of good architecture, layout and appropriate and effective landscaping” and are “sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.
- 3.9 Given the above, it is the applicant’s view that the construction of a replacement dwelling here, should be viewed favourably.

4.0 LOCAL POLICY

- 4.1 Local Policy comprises the North Herts Local Plan 2011-2031. The most relevant policies are mentioned below, whilst others may be pertinent to the application, they are covered in section 5 of this report.

4.2 Policy SP2 sets out the settlement hierarchy for the district. Sandon is stated to be a Category A village, where general development will be allowed within the defined settlement boundaries. The remainder of the parish is classed as Rural Area Beyond the Green Belt.

4.3 Policy CGB1 is concerned the Rural Area beyond the Green Belt. It states that planning permission will be granted provided that development:-

- 'a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.'*

4.4 Policy D2 is also relevant, albeit not strictly directly relevant, being concerned with *inter alia* replacement dwellings. This planning application replaces a planning permission which secured consent for the conversion of an agricultural building into residential, therefore although this host application does not replace a dwelling, it does replace the consent to turn the building into a residential use and is therefore relevant, it states:

Planning permission for replacement dwellings and outbuildings will be granted where:

- c) The proposal does not harm the character and appearance of the site; and*
- d) The location of the proposal does not have an adverse impact on the character and appearance of the streetscene or area.*

It is pertinent to note that the above references policy concerns both extensions and

4.5 replacement dwellings. The proposal in hand has been permitted as an extension, and



was deemed appropriate under this policy. It would therefore seem logical that an identical proposal would be deemed acceptable given the identical policy criteria to which it is assessed.

5.0 CONSIDERATIONS

- 5.1 Turning firstly to the appropriateness of the proposed development within the rural area beyond the Green Belt, as previously mentioned, an extension was permitted at the house in January 2025 (25/00212/FPH). The resulting dwelling would be identical to that now proposed, therefore the proposal is tantamount to an identical replacement dwelling (save the extension which has already been permitted).
- 5.2 This must be recognised as a fallback position in the determination of this proposal which will see the demolition of the existing dwelling and the erection of a replacement dwelling as opposed to the extension of the existing dwelling. The resulting appearance will be identical in terms of size, shape and design. It is a material consideration of considerable weight, as is recognised in the list of appeal decision appended to this statement.
- 5.3 The fallback position of the refurbishment and extension of the dwelling, although a very viable alternative, is not as simple to undertake as a new build dwelling. The existing dwelling was essentially a kit house, and is therefore coming to the end of its useful life. The proposal will maintain the existing appearance of the dwelling, and in all sense and purposes would appear to be unobjectionable.
- 5.4 In terms of the impact upon the countryside, for the purposes of this application, the impact will be minimal, as it will see the replacement of a building rather than any isolated new dwelling. The location, design, and size of the proposed building is identical to that of the existing once the earlier approved extension application has been built out.

- 5.5 In terms of the proposal and assessment against the aforementioned policy, the proposed replacement dwelling will be sympathetic to the existing dwelling in terms of height, form, proportions, roof type, windows, materials and orientation, everything will remain entirely in keeping with the main house (and permitted extension). Furthermore, the dwelling will not dominate any adjoining properties, this is due to the single storey nature of the proposal and the distance to the nearest residential dwelling. The floor levels at the site will not be affected, albeit that the 'extension' does involve some excavation in order to provide the accommodation at first floor level. The gap between the extension and the neighbouring dwelling means that windows positions will not result in any overlooking or overshadowing. Finally, spacing between buildings will certainly ensure that there is no harm to the character and appearance of the street scene.
- 5.6 The proposals will also not cause any overdevelopment of the plot, and the existing dwelling has not been extended previously. The design is entirely in keeping with the existing dwelling, the only change from the existing dwelling being the minor single storey (in external appearance) element to the side of the property, which has already been granted planning permission. The low height of the proposal means that they will be entirely subordinate to the main house. There will be no detriment to the street scene, heritage assets, the countryside and no neighbouring amenity is affected by the proposal.
- 5.7 The character of the locality and surrounding area will also be safeguarded and indeed enhanced by the proposed development. Simple design and traditional choice of materials characterise the building and from beyond the site boundaries it will appear as four modern rural buildings, remaining in keeping with the surrounding built form and the proposals will not look incongruous in their context. The size and scale of the new dwelling is considered to be appropriate, in terms of design, than that previously approved via the householder extension application.



- 5.8 In terms of sustainability, the NPPF is clear that there are three dimensions to sustainable development; economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role and an environmental role. The NPPF goes on to state “these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environment standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 5.9 The Encyclopedia of Planning Law, paragraph 70.30 of the commentary to Section 70 of the Town and Country Planning Act 1990 states that *“The planning authority are entitled, and indeed obliged, to have regard to the ‘fallback’ position i.e. what the applicant could do without any fresh planning permission.”*
- 5.10 Planning permission or development rights related to land may be viewed as material considerations which have an important input into decision making. Failure to take account of the ‘fallback position’, which could take place even if the current planning application were to be refused or an appeal dismissed, has been the matter upon which the courts have ruled on several occasions. The weight attributed to the fallback position depends upon the likelihood of any fallback actually being exercised in the event of a refusal.
- 5.11 It is therefore important to consider what alternative options the applicant would have for developing this site should planning permission be refused. This includes the previously consented extension application. The permitted extension application should therefore be considered alongside this planning application if it is considered that the proposal would be inappropriate development in the rural area beyond the Green Belt.



- 5.12 It is clearly in the applicant's interest to construct (or sell) the extension scheme if she was unsuccessful in obtaining planning permission for the proposed new dwelling. It is a realistic and viable alternative to the application proposed and they have confirmed that this would be the case should this application be refused. There is no doubt that if the application were to be refused, the fallback option would be implemented, as opposed to no development taking place. The fallback position is therefore a significant material consideration which must be borne in mind when this host application is determined.
- 5.13 There is an existing access to the site and dwelling from the highway with a hardstanding area which allows for sufficient parking for at least four vehicles. No changes to the parking provision will occur, ample room will remain for parking. It is not considered that the access is therefore inappropriate for a replacement dwelling.
- 5.14 The site includes ample amenity space to both the front and rear. The private amenity space to the rear exceeds the 500 square metres but is not excessive to the point of becoming harmful to the countryside. Further, no change of use occurs here, the proposal development does not alter the amenity area.
- 5.15 The new replacement dwelling will not have any increase in impact upon the neighbouring residential amenity, certainly when the fallback position is borne in mind. Furthermore, there are no neighbours affected by the proposal due to the distance to the neighboring dwelling..
- 5.16 A Preliminary Ecological Appraisal (PEA) has been carried out at the site (Appendix 1) which incorporates a bat inspection report. This shows the site is not situated within nor bounding any statutory or non-statutory designated locations. It is therefore not considered reasonably likely that the proposal would have any adverse impact upon statutory or non-statutory designated locations. There were two ESPL for bat roosts within 2km as given in the following table, both of which were for breeding sites. There was no direct evidence of bats found during the initial survey of the bungalow, although there were some potential droppings on the apex of the front gable. Suitable potential



roosting features noted include behind barge boards, chimney flashings and loose ridge tiles. The building was assessed as being of “Medium” potential. Based on the habitats present and the limited lighting of the site, the site is concluded as likely to support significant activity by commuting and foraging bats.

- 5.17 It is not considered that the proposal would have any adverse impact upon great crested newt, bats or reptile species. The PEA concludes that further bat surveys may be required, but no other surveys are necessary. No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised. General appropriate precautionary measures for the construction phases have been advised in the PEA.
- 5.18 Additional surveys may be required where licensing occurs at later date than spring 2027. If any potential roosts are affected, additional bat surveys should be carried out as per Collins (2023) with visual inspections and emergence surveys where required May – Sept.
- 5.19 Biodiversity Net Gain Calculations have not been provided as this proposal falls under the de minimus rule, with the dwelling being over the footprint of the existing dwelling and hardstanding.
- 5.20 In terms of energy efficiency and in order to future proof this development, air source heat pumps shall be fitted to each dwelling, and an EV charging point provided per dwellinghouse, an improvement from the existing property. The dwellinghouse has the ability to allow for the provision of solar panels, should future owners wish. Windows and glazed doors shall be installed with U values in accordance with Building Regulations Approved Document L, Conservation of fuel and power, Volume 1: Dwellings, 2021 edition incorporating 2023 amendments, and with reflective coatings to reduce passive heat gain and glare during summer months. Insulation shall be installed in line with the standards set out in the above document, and Thermal Bridging shall be minimised wherever possible. Energy efficient lighting shall be installed within the dwelling. All measures will



be a significant improvement on the existing insulation measures in the current dwelling. Further details of future-proofing measures may be secured via Condition if deemed necessary.

- 5.21 Finally, the site is an existing residential dwelling and therefore it is highly unlikely that the land is contaminated. The use at the site remains the same so no reports etc. in this respect should be required. In terms of flood risk, the site is located within flood zone 1, the area least likely to flood.

6.0 CONCLUSION

- 6.1 It is not considered that the proposal represents inappropriate development within the rural area beyond the Green Belt. The proposed replacement dwelling simply reconstructs the existing house, along with the previously consented extension. The resulting location, appearance, size and design will be identical to the already permitted extension. Subsequently, there will be no demonstrable harm resulting from this proposal. When this 'fallback' position is borne in mind, there is little that can be considered unacceptable proposed in this instance.
- 6.2 Furthermore, the proposal is fully in accordance with the relevant policy contained within the adopted Local Plan, this being Policy D2. The policy concerns both extensions and replacement dwellings. The earlier approved extension was assessed against this policy and subsequently it would seem logical that the replacement dwelling would also be in accordance with the policy as it results in the same development.
- 6.3 Accordingly, in light of all of the above material considerations, which firmly weigh in favour of the proposal, and in accordance with both national and local planning policy, the Local Planning Authority is hereby respectfully requested to grant this application.

