

DELEGATED FILE NOTE

CASE OFFICER: ...William Thompson.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01171/FP	Erection of one detached single storey self-build dwelling including alterations to existing access, parking and landscaping following demolition of existing workshop, storage building, derelict glasshouses, sheds and pig-pens (as amended)	Bendish Stables Hollybush Lane Bendish Hitchin Hertfordshire SG4 8JA

Submitted Plan Nos

Existing Sheds 5 - Floor Plan and Elevations Existing Sheds 2,3 and 4 - Floor Plans and Elevations
Existing Pig Sty 1 and 2 - Floor Plans and Elevations Existing Unglazed Greenhouse No.2 - Floor Plans
and Elevations Existing Greenhouse No.1 - Floor Plans and Elevations Existing Floor Plans and
Elevations 762542-02-Rev A 762542-03-Rev A 762542-04-Rev A 762542-05 762542-CR01-Rev B
762542-EX01-Rev A 762542 01 Rev I 762542 L01 Rev F 762542 BP02 Rev D 762542 DP01 Rev F

NE4	Biodiversity and geological sites
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding
SP5	Countryside and Green Belt
SP8	Housing
SP9	Design and Sustainability

2.1 Permissions granted to host dwelling.

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **St Pauls Walden Parish Council** – None received.

3.3 **Highways** – No objection subject to conditions.

3.4 **Environmental Health (Combined)** – No objection subject to condition.

3.5 **North Herts Council Ecologist** – No objection subject to condition.

3.6 **Waste And Recycling Services Manager** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site accommodates Bendish Stables, a detached dwelling with a generous curtilage to the south which accommodates various outbuildings. The site is enclosed by mature vegetation, meaning that views from the highway of the dwelling and curtilage are limited.

4.1.2 The locality is rural, with the site being located outside of neighbouring settlement boundaries and within the Green Belt. Due to the rural nature of the surrounding area, the site is distanced from neighbouring dwellings.

4.2 **Proposal**

4.2.1 Erection of one detached single storey self-build dwelling including alterations to existing access, parking and landscaping following demolition of existing workshop,

storage building, derelict glasshouses, sheds and pig-pens. (amended plans received 16.06.2026).

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the proposal in principle, and the acceptability of the proposal within the Green Belt;
- The acceptability of the design of the proposed development and its resultant impact on the locality;
- The impact that the proposed development would have on the living conditions of neighbouring properties;
- The impact that the proposed development would have on highway safety and car parking provision;
- The impact of the proposal upon the natural environment, including Biodiversity Net Gain.

Principle of the Development (Location and Green Belt):

- 4.3.2 The application site is located within the Green Belt, northwest of Bendish. The site is located outside of a settlement boundary, with the nearest boundaries being Breachwood Green (west) and Whitwell (east). Policy SP2 of the Local Plan identifies that no provision is made in the NHLP for housing development for the site's location. Accordingly, the main consideration is whether the proposal is acceptable within the Green Belt.
- 4.3.3 Policy SP5 supports the principles of the Green Belt. However, given that the NHLP was adopted in 2021, no consideration is given to Grey Belt land. Policies SP1 and SP8 outline support for reaching the target of 20% new homes on previously developed land, which is broadly consistent with Section 11 of the NPPF. The definition of Grey Belt could be applicable to this application for 'the demolition of existing outbuildings, and the subsequent erection of a single storey self-build dwelling (including access and all ancillary works)' as the site could constitute Brownfield/Previously Developed Land (PDL).
- 4.3.4 The NPPF defines previously developed land (PDL) as follows: ***"land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously***

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 4.3.5 The Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015) appeal determined that residential gardens outside of ‘built up areas’ met the definition of PDL land. The application site location is a rural area and is therefore considered to be outside of a ‘built up area’.
- 4.3.6 The proposed dwelling is to be built on land which currently forms the residential curtilage of Bendish Stables. At present, the land is occupied by a ‘workshop, storage building, derelict glasshouses, sheds and pig pens’ which are used in conjunction with the host dwelling. There is no planning history for the permanent structures. However, Google Earth shows that the structures on site have been in-situ in excess of 4 years and are, therefore, lawful by virtue of the passage of time. Thus, the site constitutes PDL land in accordance with the NPPF definition and relevant case law.
- 4.3.7 In accordance with paragraph 154(g), a view must be taken as to whether the proposed dwelling would cause ‘substantial harm to the openness of the Green Belt’. The proposed dwelling will be of a low-rise, bungalow design, and will replace existing outbuildings. The site is well screened by the existing vegetation along the site boundary. Therefore, the proposal is unlikely to cause substantial harm to the openness of the Green Belt.
- 4.3.8 Overall, the proposal, as submitted, would not constitute ‘inappropriate development’ in the Green Belt and is acceptable in principle.

Sustainability:

- 4.3.9 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. Social benefits would arise from the provision of 1no. dwelling to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site may not be considered to be in a wholly sustainable location due to its distance from nearby settlements and lack of nearby public transport modes. However, the Green Belt exception is met, the Highways Authority have not objected, and the site lies between two Category A villages, about 1 mile from each. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.10 Policies SP9 and D1 of the NHLP state the importance of sustainable development, and that new proposals should respond positively to local character. These policies are broadly consistent with Section 12 of the NPPF.

Appearance

- 4.3.11 The proposed detached dwelling would take the form of a bungalow with multiple roof pitches. The proposed external materials are stained timber weatherboarding and brick plinth for the walls, natural slate/concrete ridge tiles for the roof, aluminium clad timber framed fenestration and timber doors. The design includes solar panels. The external materials are considered appropriate to the rural character of the locality. The proposal includes a driveway and appropriate cycle/bin storage. Given the size of the proposed dwelling in comparison to the plot and the appropriate materials, this would not appear as incongruous or over-development.

Layout and Access

- 4.3.12 The proposed new dwelling seeks to make use of Hollybush Lane through an existing access. A new driveway of resin bonded gravel will utilise the existing dropped kerb. The dwelling would benefit from a large garden and amenity space, and would not result in an overly crowded form of development. Bin collection points are to the front of the site in proximity to the entrance. Due to the rural location, Green Belt considerations and relationship with the host dwelling, I consider it is prudent to withdraw permitted development rights.

Landscaping

- 4.3.13 Details of the proposed hardstanding are mainly shown to surround the dwelling at an appropriate depth to provide a driveway, surrounding path and patio; so, the extent and location of the hardstanding is considered to be acceptable and would not result in an unacceptable urbanising impact upon the rural area. Soft landscaping would comprise grass and trees to the amenity area. The proposed site plan does not show additional planting but given the siting of the proposed dwelling, the majority of on-site trees should be unaffected. Those affected have been assessed as 'low-quality'. It has been confirmed that the site offers sufficient space for replanting. Overall, the landscaping details proposed would be acceptable.

- 4.3.14 The proposed development is therefore considered to be in compliance with Policies D1 and SP9 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.15 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.16 The main dwelling to be affected by the proposed new dwelling would be the host dwelling, to the north. The proposed dwelling is not considered harmful due to its proposed distance from it and the new boundary, its design, and absence of upper floor side openings facing that dwelling. The size of the remaining rear garden for the host dwelling is considered acceptable. The proposed dwelling is set centrally in the plot and sufficiently away from all other dwellings.

- 4.3.17 Given the above, it is considered that the proposed development would not result in unacceptable detrimental impact upon the living conditions of neighbouring occupiers, as to be objectionable, in terms of over-dominance, shading or loss of privacy and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers

- 4.3.18 The proposed development would deliver above the sufficient internal floorspace to satisfy the nationally described space standards for a dwelling of this size for up to 6 persons. Sufficient built in storage is shown on the floor plans. The dwelling would benefit from amenity space and is not considered to be harmed by the presence of neighbouring dwellings. Therefore, the internal standard of amenity for future occupiers is considered to be acceptable.

Highways and Parking

- 4.3.19 The proposed development would be served by a minimum of two parking spaces that are on-site on a large driveway. The Highways Authority have not objected on safety or sustainability grounds. Suitable cycle parking is demonstrated. Therefore, impacts to parking provision locally would not be harmful and the proposal complies with Policies T1 and T2 of the NHLP.

Environmental Implications and BNG

- 4.3.20 Policy NE4 of the NHLP outlines that development proposals should appropriately mitigate impacts to local wildlife sites. This approach is broadly commensurate with Section 14 of the NPPF. The north part of the Bendish Stables site is covered by the Bendish House local wildlife site. Based upon the submitted Ecological Impact Assessment and Biodiversity Statement (April 2026), the Council Ecologist has raised no ecological objection to the proposed works. Conditions have been suggested for the works to proceed in accordance with the submitted Ecological Impact Assessment and Biodiversity Statement, and for an Ecological Enhancement Plan (EEP) to be agreed prior to commencement. This has been agreed and will be conditioned. This is a self-build application and is not subject to mandatory Biodiversity Net Gain contribution.
- 4.3.21 Therefore, the resulting development would adequately mitigate impacts to the surrounding natural environment in compliance with Policy NE4 of the NHLP and Section 14 of the NPPF.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and complies with both local and national planning policies.

4.5 Alternative Options

4.5.1 None applicable.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** given the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. Prior to the first commencement of the development hereby permitted, a plan for cycle storage is to be provided and be designed in line with design standards contained in Chapter 11 of the Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020). Prior to first occupation the approved design shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

4. No development shall commence until a Demolition / Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Method Statement shall include details of:
Access arrangements to the site.
Traffic management requirements.
Construction and storage compounds
Cleaning of site entrances, site tracks and the adjacent public highway.
Timing of construction activities (including delivery times and removal of waste) and to

avoid school pick up/drop off times.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to the commencement of development a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Lustre Consulting Ltd report (Ref: 5534_AC_1.1) dated 5th May 2026. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of future residents.

6. All ecological measures and/or works shall be carried out in accordance with the mitigation strategies and method statement contained in the April 2026 Ecological Impact Assessment and Biodiversity Statement as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To mitigate ecological impacts and comply with Policy NE4 of the Local Plan and Section 14 of the NPPF.

7. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Lustre Consulting Ltd report dated March 2026 (Ref: R400-PH1-01.0_5534), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

8. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in the new dwelling, and hedgehog holes in fencing as informed by the April 2026 EclA has been submitted to and approved in writing by the local planning authority.

Reason: To mitigate ecological impacts and comply with Policy NE4 of the Local Plan and Section 14 of the NPPF.

9. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

10. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2026. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, AA, B, C and E of Part 1 (and any further new class that may be introduced by way of an update) of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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.

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN3) Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.
Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Signed <i>S. Kasparian</i> Sarah Kasparian	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 29 July 2026	