

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01564/FPH	Erection of detached greenhouse and installation of wildlife pond to rear garden (as amended by plan received on 10/09/2024).	Sells Close House High Street Barley Hertfordshire SG8 8HY

Submitted Plan Nos

Location Plan 1 of 1 1 of 2

1.0 Policies

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework (2023)**

Section 2 – Achieving sustainable development

Section 12 – Achieving well-designed and beautiful places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 16 – Conserving and enhancing the historic environment

1.2 **North Hertfordshire Local Plan 2011-2031**

Strategic Policies

Policy SP1 – Sustainable Development in North Herts

Policy SP2 – Settlement Hierarchy and Spatial Distribution

Policy SP5 – Countryside and Green Belt

Policy SP13 – Historic environment

Development Management Policies

Policy CGB1 – Rural area beyond the Green Belt

Policy D1 – Sustainable Design

Policy D3 – Protecting Living Conditions

Policy HE1 – Designated heritage assets

Policy HE4 - Archaeology

2.0 **Site History**

24/00574/FP - Change of use of former agricultural land to residential garden.
Conditional Permission.

22/00413/FP - Erection of detached wooden structure for use as a children's playhouse on existing patio area as amended by plan received on 14 March 2022.
Conditional Permission.

05/01915/1HH - Two storey rear extension, rear conservatory, single storey side extension and replacement chimney following demolition of existing single storey rear extension (as amended by plan nos. SCP04K and SCP05, received on 1 March 2006).
Conditional Permission.

3.0 **Representations**

3.1 **Press, Site and Neighbour notifications** – None received.

3.2 **Barley Parish Council** - None received.

3.3 **HCC Archaeology** – No objection subject to conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site was granted change of use from agricultural land to residential garden under 24/00574/FP and lies to the rear of Sells Close House in the Barley Conservation Area.

4.2 **Proposal**

4.2.1 Erection of detached greenhouse and installation of wildlife pond to rear garden (as amended by plan received on 10/09/2024).

4.2.2 The amended plan deletes reference to the use of bark mulch in preference of retaining the natural surface of the western end of the site shown as the woodland area.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- Whether the proposed development would be inappropriate development in the Rural Area beyond the Green Belt for the purposes of the National Planning Policy and Local Development Plan.
- The impact the proposed development would have on the character and appearance of the property and the surrounding area.
- The impact that the proposed development would have on the living conditions of nearby neighbouring properties.

Principle of Development in the Rural Area beyond the Green Belt

4.3.2 Policy SP2 of the Local Plan states that Barley is a Category A settlement, where general development will be allowed within the defined settlement boundaries. Sites that are within these settlements are excluded from the Rural Area beyond the Green Belt and are therefore not subject to its restrictive policies.

4.3.3 The principle of the use of the land as residential garden has already been accepted. This application seeks to undertake works in line with the existing approval.

Design, Appearance and Impact on the Conservation Area:

4.3.4 Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 (Conserving and enhancing the historic environment) of the

NPPF sets out guidance relating to sustaining and enhancing heritage assets. In this regard, Policy HE1 of the NHLP is consistent with the NPPF.

- 4.3.5 The objectives of the NPPF also include Section 12 (Achieving well-designed and beautiful places) and Section 15 (Conserving and enhancing the natural environment). In this regard, Policies D1, D3 and CBG1 of the NHLP are consistent with the NPPF.
- 4.3.6 When considering the impact of proposed development on the significance of a designated heritage asset (such as a Conservation Area), the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
- 4.3.7 The proposal would see a greenhouse constructed within the vegetable garden area which is within close proximity to the main dwelling, Sells Close House. The greenhouse would be of a relatively standard size 3.1m in length by 2.5m in width having a pitched roof height of 2.5m. The wildlife pond would be formed to the southern boundary in the woodland area. Both the greenhouse and wildlife pond are policy compliant and acceptable.

Impact on Neighbouring Properties:

- 4.3.8 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.
- 4.3.9 I am satisfied that given the minor scale of the proposed works, no harm would arise to existing neighbouring amenity.

Archaeology

- 4.3.10 When considering the impact of proposed development on the significance of a designated heritage asset (such as archaeology), the NPPF (Section 16 – Conserving and enhancing the historic environment) notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. In this regard, Policy HE4 of the NHLP is consistent with the NPPF.
- 4.3.11 Comments have been received from HCC Archaeology team which state that the proposed development is likely to have an impact on heritage assets of archaeological interest and therefore it is necessary to impose conditions to reflect this. Further correspondence with Archaeology confirms that the only area which the conditions would apply to is that of the wildlife pond. The wildlife pond itself is of a minor scale which would not normally require planning permission. Planning permission in this case is due to the fact that the land, which benefits from planning permission to change the use of former agricultural land to residential garden under 24/00574/FP is outside of the residential curtilage and so requires planning permission in its own right having no permitted development rights. Whilst I respect the importance of such conditions and the need to safeguard and prevent damage to historical finds, I am also aware of the need to consider para 55 of the NPPF which states that planning conditions need to be reasonable. In this case, given the minor nature of the proposed development, I find the recommended conditions too onerous and have instead added an informative to address any finds.

Highways and Parking:

- 4.3.12 The proposed development does not include works that would affect highway safety.

Biodiversity Net Gain (BNG)

- 4.3.13 This is a householder application which is exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Environmental Implications:

- 4.3.14 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.15 The proposed development, would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF and Policy D1.

4.4 **Alternative Options**

- 4.4.1 N/A

4.5 **Pre-Commencement Conditions**

- 4.5.1 N/A

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is compliant with Policies SP1, SP2, SP5, SP13, CGB1, D1, D3, HE1 and HE4 of the NHLP 2011-2031 and Sections 2, 12, 14 and 16 of the NPPF 2023.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to 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.

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. In the event that any archaeological finds are discovered during the site clearance or digging phase then all works on site must stop and advice be sought from the Hertfordshire County Council Archaeological team who can be contacted at: historic.environment@hertfordshire.gov.uk

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 September 2024	