



Planning Statement (incorporating Energy & Sustainability Statement)

**Outline planning permission
with all matters reserved
except access for the erection
of a single self build/custom
build dwelling, demolition of
barn and associated works**

at

**LAND ADJ FEAR END, FEARS
GREEN, SANDON, SG9 0QZ**



CONTENTS

1.0 INTRODUCTION3

2.0 PROPOSAL4

3.0 PLANNING POLICY4

4.0 CONSIDERATIONS.....7

5.0 CONCLUSION14

Appendices

- 1. APP/J1860/W/23/3330800 Appeal Decision
- 2. Self Build Exemption form
- 3. Preliminary Ecological Appraisal



1.0 INTRODUCTION

- 1.1 The application site is located in Sandon, outside of the development boundary and within the countryside. Opposite part of the site falls within a separate Parish Boundary. The site is situated between two residential dwellings on either side, making the proposal infill. It sits amongst agricultural land, with little else (other than the two dwellings) in the immediate vicinity. The site 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. The site lies to the east side of Kelshall Road (shown as Fears Green on some maps) between Sandon and Kelshall in the southern corner of Kelshall Parish and occupies a site which is generally level but a slight incline from the highway towards the rear of the site. The surrounding land is generally laid to arable farmland, although there are small, wooded areas located immediately to the east.
- 1.2 The application site extends to approximately 0.19ha of land that is currently vacant and under utilised, access to the site is currently via the property known as Fear End south of the site, utilising the existing domestic access. The highway, an unnamed road, runs along the western boundary of the site.
- 1.3 Closeby to the site is a recent approval for the conversion of agricultural buildings into 7 residential dwellings (24/02908/PNQ – Delegated report at appendix 1). The site itself has never been the subject of any historic planning applications.
- 1.4 The site is not located within flood zones 2 and 3. No TPO's are present on the site. The site is not within a Conservation Area and no listed buildings are within the vicinity.
- 1.5 Opposite the site is a modern barn building. In order to mitigate the impact of the proposed infill dwelling on the landscape, it is proposed to remove the barn building. The removal of this will enhance the openness of the area significantly, as the building currently protrudes significantly into the countryside landscape.



2.0 PROPOSAL

- 2.1 This submission seeks outline planning permission to erect a new dwelling in between Fear End and Fallowfields, in an infill position. Although at an outline stage, the design and materials will complement the adjacent buildings and make better use of the vacant land whilst also providing much needed dwellings in a District with a 5 year supply shortfall in their housing supply.
- 2.2 The indicative layout plan shows how this could be accessed and how the dwelling could fit on the site. This can take place without any detrimental impacts upon the surrounding neighbouring dwellings or the countryside setting and will add to the Council housing shortfall promptly, as explained in detail within this report.
- 2.3 The proposed dwelling will be built above the requirements of the Building Regulations in terms of energy efficiency, a ground/air source heat pump, solar panels and additional insulation will all be considered at the construction stage. The applicant's intention will be to construct an energy efficient dwelling, future proofed so far as practicable, this is most likely with a self/custom build dwelling.
- 2.4 As part of the proposal, it is proposed to remove the barn building opposite the site. This would mitigate for any perceived impact upon the countryside resulting from the erection of a new dwelling. The impacts of development of an infill plot would be more than mitigated by the removal of the barn, which currently protrudes out into the open countryside in a conspicuous position.

3.0 PLANNING POLICY

- 3.1 The National Planning Policy Framework is a material consideration for all planning applications.
- 3.2 Section 5 of the NPPF places emphasis on the importance of delivering a sufficient supply of new homes.



- 3.3 At the core of the NPPF is a presumption in favour of sustainable development. Paragraph 11 explains that when a policy which is most important to determining an application is out of date, the NPPF states that permission should be granted 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 proposed 6; 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.*
- 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 8
- 3.5 Paragraph 82 of the NPPF states that plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas. Paragraph 7 states under the heading 'social role' that planning authorities should support strong, vibrant and healthy communities, by providing the supply of housing to meet the needs of present and future generations.
- 3.6 Paragraph 83 of the NPPF states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 3.7 Whilst the NPPF does not specifically refer to infill development in areas outside of the Green Belt, such as this site, it does state that limited infilling in Green Belt villages to be an acceptable form of development in these areas. This site could be described as infill development as the development will sit between existing buildings, both residential dwellings.
- 3.8 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 4 of this report.



3.9 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.

3.10 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.'*

3.11 The most pertinent policy in the Local Plan in respect of these proposals is CBG4. This states that:-

- 'a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.'*



4.0 CONSIDERATIONS

Principle of the development

- 4.1 Addressing first the principle of the proposed development, Policy CBG4 is the most relevant in determining this proposal. The policy permits the replacement of an existing building provided it is not materially larger than the replacement. The primary case to this development begins with the Council's shortfall in housing, with the existing five year land supply standing at 3.9 years (according to the 'five year housing land supply update strategy May 2024'). Therefore, policies in the Local Plan in respect of housing delivery can only be afforded moderate weight. Policy CBG4 does allow for infill development in Category B villages, but there is no mention of this in Category A villages, despite them having better facilities and services.
- 4.2 The application site is located within Sandon, this section comprises a collection of a small number of residential dwellings, although 7 have recent been approved to the east of the site. Whilst this section of Sandon is not within the defined development limits, Sandon does have a 'Development Boundary', the village does benefit from some, services and transport links (HertsLynx), and is a short walk from Kelshall, and falls within the Parish of Kelshall. Furthermore, other applications have been permitted in the vicinity.
- 4.3 With regards to the character of the surrounding area, they are large, detached dwellings on generous plots. There are also some single storey dwellings, which are former bungalows which have been extended to form first floors, the dwellings on either side of this site are listed, therefore, the proposal is for a single dwelling only. It has also been positioned so as to have minimal impact upon either heritage asset.
- 4.4 As well as the recent decision allowing the development of 7 dwellings at Fear End, another pertinent decision is the Prior Approval to convert a large poultry building into 3 dwellings further up the lane to the North at Woodcotes. This means that 10 new dwellings will be built in close proximity of the host site.



- 4.5 Regarding the impact of the proposed development on the surrounding countryside, the application site is bordered on either side by residential properties, making it infill development, tree and hedge coverage on all boundaries (with the exception of the boundary with Fear End) providing for a defensible boundary containing the residential development from protruding into the open countryside.
- 4.6 On the contrary, the proposal will also see the demolition of the large barn building opposite, which sits prominently in the field. Its removal will enhance this section of the countryside, with the gap between the two dwellings where the new house is proposed being far less prominent. The resulting impact is therefore a beneficial one rather than a negative one. The removal of the prominent vacant barn will remove any pressures to convert this into a residential/commercial unit.
- 4.7 On the basis of the above points, it is considered that the proposal is compliant with Policy SP5 and the accompanying text in the Housing section of the Local Plan.
- 4.8 Notwithstanding this stance, should officers conclude to contrary, weight should also be given to the fact that Policy SP5 and/or CBG4 is not considered entirely consistent with the principles of the NPPF in addition to the fact that North Herts District Council do not currently have a five year housing land supply.
- 4.9 The presumption in favour of sustainable development at paragraph 11 of the NPPF sets out that where the policies which are the most important for determining an application are out-of-date, permission should be granted unless policies concerning the areas or assets listed at Footnote 7 of the NPPF provide a clear reason for refusal, or unless the adverse impacts significantly and demonstrably outweigh the benefits, assessed against the Framework as a whole.



- 4.10 The Council are unable to demonstrate a 5-Year Housing Land Supply(5YHLS) with the Councils current figure standing at 3.9 years. Additionally, the proposals cannot be tested against a fully up-to-date Development Plan. Furthermore, this figure was based on the previous version of the NPPF, and it is now highly likely that more housing will need to be built, worsening this position. Thereby paragraph 11 of the NPPF is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 4.11 Paragraph 11 of the NPPF makes clear at Footnote 8 that for applications involving the provision of housing, if the Local Planning Authority cannot demonstrate a five-year supply of housing this will render the policies which are most important for determining the application out of date and trigger the presumption in favour of sustainable development. For decision taking, this means that permission should be granted unless the proposal is affected by the policies set out in Footnote 7, and these policies provide a clear reason for refusal, or any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 4.12 In addition, NPPF Annex 1, paragraphs 231 & 232, sets out that existing policies adopted prior to the publication of the Framework are out-of-date depending on their degree of consistency with the NPPF. As such, where policies are out of date by virtue of a conflict with the NPPF, the presumption in paragraph 11 also applies in this instance (even if the district can demonstrate a five year supply of housing).
- 4.13 The NPPF places significant weight on the need to boost significantly the supply of housing (paragraph 61). The NPPF (paragraph 83) outlines that in rural areas housing should be located where it enhances and maintains the vitality of rural communities. The NPPF is clear that rural housing supports the use of local services and community facilities and that locating housing close to these facilities enhances and maintains the vitality of rural communities.



- 4.14 Sandon benefits from a range of facilities, and previous planning decisions have allowed for 10 new dwellings in the last 12 months. Although this site lies outside the Development Boundary, it is located amongst existing dwellings and recently approved development and is within walking distance of the main centre of Sandon. Furthermore, Paragraph 83 confirms that *“Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 4.15 Subsequently, should there be any doubt as to whether this proposal constitutes an infill dwelling, material weight should be given to the fact that Housing Policies are out of date and inconsistent with the NPPF due to North Herts only having a 3.9 years’ worth of housing supply. Whilst this proposal constitutes only a single dwelling, this would still make a small but meaningful contribution to housing supply within the district and the benefits of this would demonstrably outweigh and perceived adverse impacts. This would also add to the supply quickly.
- 4.16 Another significant material consideration in favour of this proposal is the infill nature of the host plot. There are dwellings on either side, and the proposed dwelling will nestle in between them. If there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these should be acceptable if they would be in character with the surroundings and have limited impact on the countryside in the context of existing development. Due to the infill nature of this proposal and the removal of the barn opposite, the harm to the countryside setting is significantly reduced, an important matter when assessing the planning history of the site. The applicant considers that the proposals as a whole would in fact have positive implications upon the countryside setting.
- 4.17 Although this application is in outline form only, it is readily apparent from the indicative site plan and elevation that a dwelling can be sited within the plot without detriment to the countryside.



Self Build

- 4.18 Under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), and associated secondary legislation, local planning authorities are under a duty to grant a sufficient number of suitable permissions to meet the demand for self- and custom-built housing within their area.
- 4.19 The NPPF states at Paragraph 73 that *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;”*
- 4.20 The dwelling will be a custom build dwelling, the principle of which is strongly supported by central government, which is capable of being a significant material consideration of great weight, see appeal decision contained at appendix 1. Custom build dwellings create enhanced designs and are much more likely to see the use of local contractors in the construction process. The Government wants to make self build/custom build far more mainstream and double the amount of dwellings constructed in this way in an effort to keep up with other countries where around half are custom/self build.
- 4.21 The Government are supportive of this form of development because;
- It is important to the national economy (its value is estimated at £3+billion per year)
 - It makes an important contribution to housing output, and creates an opportunity to diversify housing supply
 - There is growing public demand for this type of housing (according to a Building Societies Association survey 53% of the population would like a self build home at some stage in their lives)



- It protects/creates local jobs and strengthens local supply chains in the construction sector (each self build sustains two construction jobs)
- It offers choice and is often better value for money
- It reflects the Government's Localism ambitions
- It can provide opportunities to achieve a diverse mix of housing in both urban and rural areas.

Source: Planning for Custom Build Housing – A Practice Guide (NaSBA)

4.22 The NPPF asks local planning authorities (paragraph 63) to use their evidence base to ensure that their Local Plan fully meets the assessed needs for market and affordable housing in the area. This includes, inter alia, 'people wishing to commission or build their own homes'.

4.23 The most up to date information available on North Herts delivery of Self Build plots is contained within the 2023 – 2024 Annual Monitoring Report. This states *"Alongside maintaining a register, local authorities are also required to grant permissions to meet the demand on the register within 3 years, however, due to the reliance on site allocations within the District Plan to deliver self-build plots, North Herts has not been able to grant sufficient permissions in this monitoring year."*

Base period	Dates	Number of entries	Number of permissions granted within the three years
1st Base period (7 months)	4th April 2016 – 31st October 2016	28*	29
2nd Base period (12 Months)	1st November 2016 -31st October 2017	78*	67
3rd Base period (12 Months)	1st November 2017 -31st October 2018	72*	28
4th Base period (12 Months)	1st November 2018 -31st October 2019	67*	20
5th Base period (12 Months)	1st November 2019-31st October 2020	61	22
6th Base period (12 Months)	1st November 2020-31st October 2021	69	49



7th Base period (12 Months)	1st November 2021-31st October 2022	24	Unable to determine until Oct 2025
8th Base period (12 Months)	1st November 2022-31st October 2023	37	Unable to determine until Oct 2026
9th Base period (12 Months)	1st November 2023- 31st October 2024	22	Unable to determine until Oct 2027

- 4.24 A house of Commons Library document dated 29th December 2014 describes various initiatives aimed at growing the self build and custom build housing sectors. It advises “In Laying the foundations: a housing strategy for England (2011), the Government set out plans to enable more people to build or commission their own home - there is an aspiration to double the size of the self-build market, creating up to 100,000 additional self-build homes over the next decade. Various measures have been introduced to ease the path for those wanting to build their own home including (repayable) funding, an exemption from the Community Infrastructure Levy; amendments to planning guidance, and improved access to public sector land.
- 4.25 In addition, guidance from the Department of Levelling Up, Housing and Communities published guidance on Self build and custom building 2016, this states that “Self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home, and can be innovative in both its design and construction”
- 4.26 A material consideration of considerable weight is the lack of self build plots in the District. It is proposed that this plot is sold by the applicant as a self build plot, with a condition to secure this. For example *‘The residential units hereby approved shall be constructed and occupied as such at all times as self-build or custom housebuilding dwellings in accordance with the definition of the 2015 Self-Build and Custom Housebuilding Act (as Amended by the 2016 Housing and Planning Act) and shall not be used for any other purpose.’* With the reason *‘To ensure the development complies with the self-build and custom house building definition and to help meet the Councils self-build requirement in accordance with the National Planning Policy Framework.’* The Council’s ‘self build exemption form can be found at appendix 2.



- 4.27 Given the shortfall, the addition of a self build plot to the Council's supply is a significant material consideration in this instance.

Highways, Access and Parking

- 4.28 The site is accessed via the residential access to Fear End. Access is a reserved matter and therefore not for assessment at this time. However, the road is a quiet country lane and the additional of a single residential dwelling is unlikely to create any unacceptable adverse impacts in line with Paragraph 116 of the NPPF which states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*
- 4.29 In respect of parking, there is adequate space to park three vehicles for the use by the new dwelling, furthermore, the proposals will not affect the current parking arrangement for the existing dwelling.
- 4.30 As demonstrated above, the site can safely be access using the proposed driveway and the small number of journeys likely to be generated by a single dwelling will not have a material impact on the surrounding road network.

Biodiversity

- 4.31 Turning to biodiversity, the site is a grass field bordered by hedging and trees. The vast majority of trees are to be retained in the proposed scheme and the grass, having always been regularly cut, offers little in terms of biodiversity. (See Preliminary Ecological Appraisal at Appendix 3)
- 4.32 This application is accompanied by an Ecological Survey and Assessment prepared by Small Ecology. These conclude that the site is unlikely to provide suitable habitat for protected species and therefore such species are unlikely to be impacted upon by this proposal.



- 4.33 Measures are suggested in the survey to enhance biodiversity on the site during and after construction which the applicant will follow and abide by. However, as the application proposes a self building dwelling, Biodiversity Net Gain (BNG) is not applicable, with self build being exempt.
- 4.34 Any concerns that Officers may have with regards to biodiversity could be mitigated via an appropriately worded condition.

Neighbour Impact

- 4.35 Due to the size of the site, there is ample space for the development to take place without any impact upon the existing dwellings. The dwelling will sit on a spacious plot on a low density area meaning the development can take place with no unacceptable impacts upon neighbouring amenity, the proposals will fully comply with Policy H4 and GEN2(i) of the Local Plan. On the contrary, neighbours will likely be pleased to see the removal of the unsightly barn opposite.

Design

- 4.36 The proposal is in outline form, and therefore the precise design and appearance is for later assessment. However, it is anticipated that the dwelling will be designed to reflect and compliment the neighbouring dwellings. It would seem the most appropriate approach to remain in keeping with the surrounding dwellings, that being a single storey dwelling of fairly simple design. The design and appearance, with high quality materials will enhance the character of the area. This proposal will provide a better use for the land in an area which has already seen low density development close by.
- 4.37 The design, siting and materials of the proposals will allow the development to take place without detriment to the neighbour dwellings or countryside setting. The proposed dwelling will be single storey to ensure minimum impact upon the countryside.



Energy

- 4.38 In terms of energy efficiency and in order to future proof this development, air source heat pumps shall be fitted to the dwelling, and an EV charging point provided, 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 each dwelling.

Contamination

- 4.39 As the site has been a grass field for several years, and before this most likely agricultural land, it is considered that there is a low likelihood for the presence of contaminated land. The applicant would be happy to agree to a condition in relation to this if this is felt to be necessary.

5.0 CONCLUSION

- 5.1 The proposed scheme is compliant with Policy SP5 & CBG4 and the relevant text within the Housing Section in relation to infill locations outside of settlement limits.
- 5.2 Notwithstanding this, both policies are out of date and only partially compliant with the principles of the NPPF and there is currently only 3.9 years' worth of housing supply within the district, a position which will undoubtedly worsen when the next calculation is undertaken given the changes in the most up to date version of the NPPF. This scheme will make a small but meaningful contribution towards housing supply within the district.



- 5.3 The proposal will have no adverse impact in terms of access and highways safety, biodiversity, neighbouring amenity and contamination. The removal of the barn opposite will also mean that the impacts upon the countryside are non-existent, indeed this is a benefit of the scheme – an enhancement to the countryside setting.
- 5.4 On this basis, officers are respectfully requested to grant approval for this sensitively designed scheme.