

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01199/FP	Erection of one dwelling and detached double garage including shed, bin and storage area, landscaping and parking.	Ramerick Nursery Bedford Road Holwell Hitchin Hertfordshire SG5 3RX

Submitted Plan Nos

K1555-01a K1555-02a K1555-03a K1555-04a K1555-05 K1555-06 K1555-07 K1555-04a (including air source heat pump)

1.0 Policies

CGB1	Rural Areas beyond the Green Belt.
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
NE4	Biodiversity and geological sites
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN15	Conserve + enhance natural environment

- 2.1 21/02463/FP - Erection of one detached 4-bed dwelling and detached double garage. – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation** – 2x Objections:

- Concern regarding the private access to the site from Bedford Road.
- Disruption to access during construction.
- Danger of access during occupation and construction phases.
- Unsafe entry to Bedford Road, a national speed limit road.
- Damage to private road surface from HGV access.
- Reversing HGV onto Bedford Road is dangerous.
- Requests traffic management plan for construction.
- Impacts to drainage from development.
- Safety concerns on private road.
- Access over private land and potential trespass issues.

3.2 **Parish Council** – No representation received.

3.3 **Highways** – Does not wish to restrict grant of permission. Recommends inclusion of construction management plan.

“Should the LPA be minded to approve the application please note the above informatives. This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission.”

3.4 **Ecology** – Does not object, and application not bound to mandatory BNG requirements. Recommends inclusion of informative.

3.5 **Environmental Health:**

Noise – No Objections.

Contaminated Land – Details provided. Recommends inclusion of condition for phasing of mitigation.

Air Quality – Recommends EV charger condition and informative.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a parcel of land adjacent to Hawthorns, a residential dwelling. The site is part of a wider group of dwellings south of Lower Stondon, to the west of Bedford Road. The site is brushed over by the Rural Area Beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 Planning Permission is sought for the erection of a detached self-build dwelling and detached double garage, shed, bin, storage area, landscaping and parking.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development – Rural Area Beyond the Green Belt:

4.3.2 The application site is brushed over by the Rural Area Beyond the Green Belt, and therefore, Policy CGB1 is triggered. The wording of this policy reads as follows:

In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the 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.

I consider that a) is of relevance. The application site is outside of built core of a Category B Village, the nearest being Holwell. The application follows the expiry of the previous permission, 21/02463/FP, expiring in November 2024. The LPA consider that this permission was not implemented/commenced, and note that the conditions were not discharged prior to this date. This permission has therefore fallen away and has expired.

4.3.3 The previous permission was granted following an appeal decision at the adjacent dwelling, Sunvale, reference APP/X1925/W/16/3156040 with the appeal decision being granted in January 2017. The permission gave weight to the fact that the appeal inspector granted the dwelling despite the site running contrary with Rural Area Beyond the Green Belt policy, assigning positive weight to the prospective delivery of a house in a district without a 5-year housing land supply, and that this delivery would outweigh harm occasioned by the inappropriate nature of the development. The previous permission gave weight to this appeal decision, and the fact that the LPA could not at the time of writing, demonstrate a 5 year housing land supply. It was concluded that the harm to the Rural Area Beyond the Green Belt was suitably outweighed. Since these determinations, the previous local plan policies have been superseded by Policy CGB1. I consider that the proposal would comprise in-filling development given there is existing development to the west, east, and south, and would not be extending this group of dwellings, but do consider that the site is outside of the immediate built core of Holwell, to the west.

4.3.4 At present, the Local Planning Authority cannot demonstrate a 5 year housing land supply, as it can presently demonstrate approximately a 3.9 year supply of housing. Furthermore, the December 2024 version of the NPPF is given full weight.

4.3.5 Paragraph 10 sets out to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

4.3.6 Paragraph 11 sets out 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-date, 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 proposed;

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.

Footnote 7 as per the above states as follows “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change”.

4.3.7 No assets discussed in footnote 7 would be harmed by the proposal, and no strong reason for refusal would therefore arise. The tilted balance is considered to apply, and the delivery of housing weighs favourably in this balance of considerations, owing to the development delivering housing on a windfall site. Weight is also given to the recent nature of the permission’s expiry, and the previous appeal decision at Sunvale. In the round, I consider that whilst there would be a contravention of Policy CGB1 due to the site’s location outside of Holwell, there is sufficient positive material considerations to outweigh the harm caused by this contravention. The principle for development is therefore supported, subject to compliance with other material planning considerations.

Sustainability:

4.3.8 The application site is in proximity to Lower Stondon to the north, and relative proximity to Holwell to the south. Bus stops located in Lower Stondon are approximately a 600m walk from the site, along the footpath to the eastern side of Bedford Road. Amenities are available in Lower Stondon, including a shop, restaurants and a school. I consider that the site suitably located to be considered as sustainable.

4.3.9 Economic benefits would arise from the use of local contractors due to their employment to provide materials and to assist with construction of the dwelling. Maintenance of the dwelling when occupied, and the use of local business for provisions would also provide a local benefit. Social benefits arising from the delivery of a single market dwelling are afforded positive weight and are viewed favourably.

Design and Appearance:

- 4.3.10 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

Appearance

- 4.3.11 The proposed dwelling would comprise a two-storey chalet bungalow in appearance, with gable ends to the rear and the sides, with a detached garage to the front garage area. The garage would comprise a single storey gable ended structure to the front/side of the dwelling adjacent to the driveway area. Dormer windows would be within the roof slopes together with rooflights. I consider that the appearance of the dwelling would be reflective of similar dwellings nearby, most notably at Laurel Manor.

Layout

- 4.3.12 I consider that the layout would be acceptable, and would not unacceptably overdevelop the plot. The layout would be similar to the plots of nearby dwellings within the surrounding area, and therefore do not consider that the layout would result in a form of development that would appear out of place, or would be harmful to local character.

Landscaping

- 4.3.13 The proposal would feature hard landscaping to the front of the site to provide a driveway, and a patio is proposed to surround the dwelling to benefit the occupants. Soft landscaping/grass is otherwise proposed. I consider that the proposed landscaping would be acceptable. The proposed introduction of a shed and bin store are acceptable, and would not dominate the street scene or be harmful to local character.
- 4.3.14 The proposed development is therefore considered to be in compliance with Policies D1 and D2 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 application site is neighboured to the west by Hawthorns, to the east by Laurel Manor and Dunroamin, and by Sunvale to the south. The proposed siting of the dwelling and garage, together with its height and orientation is not considered to overbear or dominate the occupants of surrounding dwellings. The distance to Hawthorns, Dunroamin and Sunvale is considered to mitigate dominance for these dwellings, and whilst some impacts would arise for the extended garden/curtilages of these properties, I do not consider that these impacts would be substantial or

objectionable. Dormer windows would be to the front, to the north and to the rear elevations, towards the tree line along Sunvale. I do not consider that the outlook from these windows would be unacceptable as they would not look directly into neighbouring curtilages. Plans indicate that the rooflights towards Sunvale and Dunroamin would have a sill height >1.7m from the finished floor level of the room they serve, and/or would be obscure glazed. I consider that this would not detract from the amenities of these occupiers. Other rooflights would either be over a void, or would not be looking into neighbouring curtilages. Neighbour amenity impacts are therefore considered to be acceptable.

- 4.3.17 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.18 Hertfordshire Highways have not objected to the proposal, and it is noted that the site is accessed across a private road. Matters of permission of access comprise a civil matter to be agreed among interested parties, and is therefore outside of the control of the Local Planning Authority. The Highways authority have recommend the inclusion of a Construction Methods Statement to mitigate prospective highways impacts, and have concluded that the proposal is “unlikely to generate extra movements which would lead to demonstrable harm to the highways network”.

Environmental Implications:

- 4.3.19 The proposed development, by virtue of its limited scale in general terms together with the sustainable location 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.
- 4.3.20 The application is for a single self-build dwelling on a site <0.5 ha in area. The applicant has advised they intend to occupy the dwelling. Therefore, for this reason the proposal is not subject to the 10% BNG requirements. Ecology have not objected but have asked for the inclusion of an informative relating to biodiversity.
- 4.3.21 The site is in flood zone 1, and is not within a flood extent for surface water flooding as per the online mapping. Therefore, I do not consider that matters of drainage would be objectionable. The matter of access to sewers and water are noted but are not material to this decision, and this is something for the builder of the dwelling to undertake.

4.4 Planning Balance and Conclusion

- 4.4.1 The proposed development would not comply with the provisions of Policy CGB1 of the Local Plan 2011-2031, and therefore comprises inappropriate development in the Rural Area Beyond the Green Belt. The tilted balance would apply, weighing in favour of sustainable development. The delivery of a new dwelling on a windfall site where at present, the district cannot demonstrate > 5 year housing land supply, is afforded positive weight. Other material planning considerations do not weigh negatively. The negative weight afforded to the inappropriate nature of the development is considered to be outweighed.

The proposed development is therefore considered to be acceptable. Grant conditional permission.

4.5 **Alternative Options**

4.5.1 None applicable.

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.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. No development shall commence until a 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 Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

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.

Provision of sufficient on-site parking prior to commencement of construction

activities.

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 the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

6. 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 buildings/structures, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

7. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

8. 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 protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

9. Prior to the first occupation of the first dwelling hereby approved, details of the Air Source Heat Pump(s) shall be submitted to the LPA and approved in writing and installed on site.

Reason: To ensure that there are no adverse impacts on the design of the dwelling(s) hereby approved or adverse harm on the amenities of the neighbouring occupiers. Local Plan Policies D1 and D3.

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.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 August 2025	