

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01720/FP	Erection of one self-build detached 3- bed dwelling including parking and landscaping following demolition of existing double garage and creation of access off Hexton Road (amended by plan received 18/08/25)	Venton Green Acres Lilley Luton Hertfordshire LU2 8LS

Submitted Plan Nos

A010 Rev 2 A001 A002 A105 A106

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
NE2	Landscape
NE3	The Chilterns AONB
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN11	Making effective use of land
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment
SECN5	Delivering sufficient supply of homes
SECN9	Promoting sustainable transport
SP1	Sustainable development in North Herts
SP12	Green infrastructure, landscape and biod
SP11	Natural resources and sustainability

SP2 Settlement Hierarchy and Spatial Distrib

SP5 Countryside and Green Belt

SP6 Sustainable transport

SP9 Design and Sustainability

T1 Assessment of transport matters

T2 Parking

2.0 **Relevant site history**

2.1 89/01218/1 - Detached dwelling with garage, new vehicular access. (Outline approval - design, external appearance reserved) (as revised by plans received 4th September 1989) – Refused 30/12/90. Appeal dismissed.

3.0 **Representations**

3.1 **Archaeologist** – I consider that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest.

I therefore have no comment to make upon the proposal.

3.2 **Lilley Parish Council** – no response received

3.3 **Highways Officer** – Does not wish to restrict the grant of permission.

3.4 **Environmental Health** – No objections.

3.5 **Other** – Two comments were received requesting integrated Swift bricks in the development.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is part of the curtilage of Venton, a detached two storey dwelling with a pitched roof, and a separate detached double garage. Its boundaries are comprised of 2m+ high hedges/vegetation and fencing, and trees on the other side of the north boundary. A small number of trees are within the site. Ground levels rise to a bank in the west, and towards a larger area of higher ground to the north.
- 4.1.2 The locality has a low density residential character with a small number of dwellings nearby but open agricultural fields to the east, as it's in the north edge of Lilley where development fades into the countryside north along Hexton Road. The site is in the Green Belt. The site is also in the Chilterns Area of Outstanding Natural Beauty.

4.2 **Proposal**

- 4.2.1 The erection of a self-build detached two storey three bedroom dwelling with a pitched roof, and the associated change of use of the land to a new residential plot. A new access would be created onto Hexton Road, leading to a driveway and parking area to provide at least three parking spaces. The approx. southern 2/3 of the site would remain for present dwelling Venton, which would include a parking area and private garden.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, design, neighbour amenity, future living conditions, highways and parking, ecology, and trees and landscaping.

Principle

- 4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.3.3 Relating to this is adopted Local Plan Policy SP2, which classifies Lilley as a Category B village, which states that infilling development which does not extend the built core of the village will be allowed in the Category B villages. It is considered that if SP2 is complied with, the proposed new dwelling will be acceptable in principle as it would also comply with the NPPF para 154 e) as being limited infilling in a village.

4.3.4 The first assessment is whether the proposal would be infilling, with infilling typically taken to mean development in a small gap between existing buildings. In respect of the site, dwelling Venton is immediately to the south. There are also more dwellings slightly further away to the east and NE along or near Rectory Lane, which are partially visible through a small group of trees. In this case, due to the number of dwellings near the proposed, the new dwelling is considered infilling.

4.3.5 The proposal also shouldn't extend the built core of Lilley. As the application site is in the curtilage of a dwelling, and as there are dwellings to the east, west and NE, it is not considered that the built core will be extended. The proposal is considered acceptable in principle. The proposal complies with Policies SP2 and SP5 of the Local Plan, and Section 13 of the NPPF.

Character and appearance

4.3.6 The proposal will sub-divide the site, with the proposed division considered acceptable in the context of the site's size, shape, internal layout, and physical features. The remaining plot for Venton is considered of an acceptable size and spacing of the dwelling within it for the locality. The plot for the new dwelling would be smaller than what would remain for Venton, however it is comparable to others nearby, and is

acceptable. The resulting increase in dwelling density is considered comparable to some dwellings on Rectory Lane a short distance to the north, and is acceptable.

- 4.3.7 The new dwelling would be comparable in size to Venton, and is acceptable in this respect. The dwelling is considered to be spaced acceptably far from the site boundaries and Venton to avoid appearing cramped. The front of the dwelling would be a similar distance from the public highway as the SW corner of Venton and doesn't raise building line concerns, and would also be substantially obscured by vegetation.
- 4.3.8 The design of the dwelling would be more traditional and agrarian. Given the more rural character of the locality and as dwellings nearby are a mix of designs and appearances, the design approach is considered acceptable. The external materials proposed are similar to those of other dwellings nearby, and are acceptable. It is not considered that the development would adversely affect the Chilterns AONB due to its acceptable design, small scale and limited impacts. The design is acceptable. The proposal complies with Policies D1 and NE3 of the adopted Local Plan; and Sections 12 and 15 of the NPPF.

Neighbour amenity

- 4.3.9 The application site does not adjoin any other dwellings and their curtilages, as it borders public highways and private roads/driveways on three sides, and a wooded strip of land on its north side.
- 4.3.10 The proposed dwelling is also proposed to be set away from all site boundaries, with the two-storey element comfortably away from the closest boundaries. As such, the proposed dwelling will not appear overbearing or cause loss of light, privacy and amenity to other dwellings. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

Future living conditions

- 4.3.11 This concerns living conditions for potential occupants of the proposed dwelling, and dwelling Venton to the south that's also within the site. Starting with the proposed dwelling, its main rooms would be of a size sufficient to provide acceptable living standards, outlook, privacy and light. The main private garden of the dwelling would be acceptable in size and quality for occupants of the new dwelling.
- 4.3.12 The north side elevation of Venton would be in close proximity to the private rear garden area of the proposed dwelling. The ground floor of this side elevation contains two openings which are clear glazed, and would provide clear views into the rear garden of the new dwelling. However, views and overlooking from these would be prevented by a proposed 1.8m boundary fence on the proposed new boundary with the new dwelling.
- 4.3.13 The north facing side elevation of Venton also includes two first floor clear glazed side windows. These windows are both proposed to be converted to being obscure glazed and fixed shut, which would overcome this concern, and can be required to be altered as such by condition.
- 4.3.14 The garden area of Venton would be reduced, however the remaining private garden area is considered to be of an acceptable size and quality. It's not considered that the proposed dwelling would appear overbearing or cause loss of light to No. 6 due to its proposed siting and size. The new dwelling would not have side openings facing

Venton and would not cause loss of privacy. Future living conditions are considered acceptable. The proposal complies with Policies D1 and D3 of the Local Plan and Section 12 of the NPPF.

Parking and highways

- 4.3.15 The new dwelling would have three bedrooms, which would require a minimum of two parking spaces. At least three spaces would be provided, which is acceptable. At least one cycle could be accommodated in the curtilage of the new dwelling, which is acceptable. Visitor parking is not required for the single dwelling, however in this case there would be ample parking for visitors. Dwelling Venton would also have two parking spaces and space for at least one cycle.
- 4.3.16 Bin storage has been shown in a location that is considered acceptable. Bin collection would take place from Hexton Road, which is considered possible and practicable for the proposed dwelling and its bin storage area as they would be close to its proposed entrance. Venton would also have capacity for sufficient bin storage.
- 4.3.17 The County Council highways officer has not objected to the application, on the basis that the proposal will not be detrimental to public highways and their operation. I do not see any reasons to disagree, and traffic volumes would be limited as only one dwelling is proposed. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and landscaping

- 4.3.18 The site contains a small number of trees which are near the east boundary, however it is not considered that they would be affected by the construction of the new dwelling as it would be sufficiently far away from them. There may be future pressures to lop, or potentially fell, the largest of those trees. This tree is not protected by a TPO or by being in a Conservation Area. The tree is not however considered to be of such a size or significance that it should be retained by condition, as it's visibility is mainly within the site. The new dwelling would not be considered to adversely affect trees outside the site.
- 4.3.19 The site would have a relatively small amount of new hard landscaping, and the removal of part of grass bank. The new hard landscaping is not considered excessive in relation to the size of the proposal. If permission was to be granted, details of new hard and soft landscaping would be required by condition. The proposal complies with Policy NE2 of the Local Plan.

Ecology

- 4.3.20 The site has been surveyed for protected and important species, with surveys not finding any in the building to be demolished. A condition to provide the ecological enhancements in 6.2 of a submitted Ecological Impact Assessment would be imposed on any permission granted.
- 4.3.21 The proposed dwelling would be self-build and would not need to provide mandatory 10% Biodiversity Net Gain, although it's considered that some BNG would be provided through the proposed ecological enhancement measures. The proposal is considered acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

Balance and Conclusion

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance in para. 11 d) ii of the NPPF is engaged, where in this case the adverse impacts are not considered to outweigh the benefits of the provision of a single new dwelling.

4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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. Prior to commencement of the approved development, the following landscape details shall be submitted to include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable

proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings 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 safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. In the event that contamination 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 BS10175:2011. 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 protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. The development shall include the ecological enhancements set out in section 6.2 of the submitted Ecological Impact Assessment (reference 3276), unless otherwise agreed 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.

8. Prior to the first occupation of the development hereby permitted 2.0 x 2.0 metre pedestrian visibility splays shall thereafter be retained at all times to each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 2.0 metres into the site and 2.0 metres along the highway boundary therefore forming a triangular visibility splay.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (A010 Rev 1) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use

appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

10. Prior to first occupation of the development the access road shall be of a bound material for the first 3m into the site to prevent material spilling onto the road

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

11. Prior to the occupation of the approved new dwelling, the two first floor north elevation windows of dwelling Venton within the site shall be altered to be obscure glazed, and non-opening below a height of 1.7m measured from the internal floor level of the rooms they serve. These windows shall then be retained as such.

Reason: In the interests of privacy and amenity. To comply with Policy D3 of the Local Plan.

12. Prior to the first occupation of the dwelling hereby approved, details of the Air Source Heat Pump shall be submitted to the LPA and approved in writing and installed on site in accordance with the approved details. Such details shall include siting, size, appearance, manufacturer's specifications, and noise generation levels.

Reason: To ensure that there are no adverse impacts on the design of the dwelling hereby approved or adverse harm on the amenities of the neighbouring occupiers. To comply with 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. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 August 2025	