

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00102/FP	Minor revision of the previously approved scheme ref.24/02404/FP - Erection of one detached 2-bed bungalow with associated access, car parking, private garden and landscaping (with refined proportions, minor dimensional adjustments, and revised fenestration). No change of use is proposed.	Land Adjoining Cantlebury Chapel Street And 1 Christys Yard Hinxworth Hertfordshire SG7 5EH

Submitted Plan Nos

LocationPlan 2503-PL-000 2503-PL-100A

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions

SP1	Sustainable development in North Herts
SP2	Settlement Hierarchy and Spatial Distrib
SP9	Design and Sustainability
HE1	Designated heritage assets
T2	Parking
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 24/02404/FP - Erection of one detached 2-bed bungalow with associated access, car parking, private garden and landscaping.

Conditional Permission.

2.1 24/00569/FP - Erection of one detached 2-bed dwelling with associated access, car parking, private garden and landscaping.

Withdrawn.

2.2 21/03121/FP - Erection of one detached 2-bed dwelling with associated access, car parking, private garden and landscaping.

3.0 **Representations**

3.1 **Hinxworth Parish Council:** No objection.

3.2 **Hertfordshire Highways:** No objection with informatives.

3.3 **NHDC Senior Ecologist:** No objection subject to conditions:

- ☐ Biodiversity Method Statement
- ☐ Ecological Enhancements

3.4 **NHDC Conservation officer:**

*It is considered that the proposal would neither harm the setting of nearby listed building's or harm the special character of the Hinxworth Conservation Area, therefore satisfying the provisions of Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990 and will accord with Section 16 of the Framework and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The proposal is therefore **UNOBJECTIONABLE** in heritage terms.*

Subsequent Conservation Surgery:

- Revised plans are an improvement to the scheme. No further comments to add.
- Condition for materials and exposed rafter feet apply.

3.5 **NHDC Environmental Health:**

Land contamination – No objection with a recommended condition.

Air Quality – Recommends an EV condition and informative.

Noise/Nuisance – No objection.

3.6 **NHDC Waste Services:** Provides general advice on waste management and storage / collection arrangements

3.7 **HCC Archaeology** – No objection subject to a condition for:

- ☐ Written Scheme of Investigation.

3.8 **Site Notice / Adjoining occupiers:** 1 representation received in objection; the comment is summarised as:

- Driveway is affected by blind spot
- No turning circle achievable within Chapel Mews

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is a small parcel of land situated on the east side of Chapel Street and is accessed via Chirsty's Yard which is a private road. The site is adjoined by a pond to the north (between the site and Chapel Street) and an existing garage outbuilding. The site is located within the Hinxworth Conservation Area and the settlement boundary Hinxworth. The neighbouring properties for Middle Farm and Cantlebury are Grade II listed dwellings. Christy's Yard is a cul-de-sac of 6 two-storey detached dwellings. The site is located within the Rural Area Beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 The proposal is for Full Planning Permission for the erection of one two-bedroom detached bungalow dwelling. Vehicular access would be via Christys Yard, a private road.
- 4.2.3 The proposed dwelling would comprise 2 bedrooms, living area, kitchen/dining/lounge room and bathroom. The dwelling would have its own residential curtilage including garden patio and lawn area to the rear and two vehicle parking spaces to the front. The dwelling would have an attached cycle storage to the side.
- 4.2.4 The proposed dwelling would be approximately, 5.7m in width, 13.5m in depth with a gable roof peaking at 5.1m and eaves at 2.3m.
- 4.2.5 The proposed external materials for the dwelling are as follows:
- ☐ Clay handmade tile roof
 - ☐ Black Weatherboarding
 - ☐ Open eaves (exposed rafter feet)
 - ☐ Light oak coloured external windows & doors
- 4.2.6 The proposal is a resubmission of 25/01929/FP. The key differences are:
- ☐ Slightly deeper footprint
 - ☐ Set further back into the site.
 - ☐ Revised fenestration
 - ☐ Rooflights omitted
 - ☐ Second door added to front elevation.
 - ☐ Revised internal layout.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- ☐ The principle of development/impact upon the Green Belt.
 - ☐ The impact upon the Conservation Area.
 - ☐ Design
 - ☐ The impact on neighbours
 - ☐ Access and parking
 - ☐ Landscaping.

Principle of development

4.3.2 The site is within the village of Hinxworth, which is a Category B village as designated in Policy SP2 of the Local Plan, stating that *“infilling development which does not extend the built core of the village will be allowed in the Category B villages”*. The application site is located within the defined settlement boundary and would not extend the built core of the village therefore, the proposed development is considered in line with Policy SP2 of the Local Plan.

4.3.3 Within the Rural Area Beyond the Green Belt, Policy CGB1 states that:

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.*

4.3.4 The proposed dwelling would be bounded by residential properties on 4 sides and would be located firmly within the settlement boundary. As such a residential dwelling in this position would satisfy the provisions of policy CGB1 and SP2 of the Local Plan.

The Design and its Impact on the Character of the Area

4.3.5 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.

4.3.6 The dwelling has been designed with a simplistic form and material to respond positively to the neighbouring Heritage assets. A dwelling in this position would extend the horseshoe cul-de-sac layout of Christy Yard and would therefore respond positively to the site's local context in my view. The site would be set back from Chapel Street by approximately 22m and would have a modest scale. The proposal seeks to replace the existing 2m close boarded fence with a native hedgerow.

4.3.7 In design terms, the proposed dwelling is considered acceptable because it has been designed with traditional features and materials that reflect the rural setting of Hinxworth. The proposed design and materials would be sympathetic to the adjacent dwellings of the Munts and other

dwelling within the vicinity. In my view, the development would be set on a unique plot which would not set a harmful precedent.

- 4.3.8 The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

Impact on Heritage Assets

- 4.3.9 The site is located within Hinxworth Conservation Area and within proximity to two Grade II listed buildings. The conservation officer has stated that:

“Unlike the 2021 scheme, the current proposal is lower with only two roof lights facing towards the pond and unlike the scheme last year, is traditional in form and would read relatively well alongside the existing outbuilding close to Middle Farm... In my view the proposed building’s orientation on site, together with its height, length, roof form and lack of fenestration facing the pond (apart from roof lights) are such that the setting of the two listed buildings would not be eroded or the character and appearance of the HCA harmed. I appreciate that it would screen the Christy’s Yard development when viewed from Chapel Street and vice versa.”

- 4.3.10 As such, it is considered that the proposal would not have any significant impact on the character and appearance of the conservation area. The proposed materials and design are considered sympathetic to the locality and the conservation area and there would not be any harm to the heritage significance of the conservation area. The proposal therefore complies with Policy HE1 of the Local Plan and Section 16 of the NPPF.

The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.11 Policy D1 of the Local Plan also requires that development proposals meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.
- 4.3.12 It is accepted that the proposed development will be visible to the occupants of Chirstys Yard. However, the proposed dwelling is positioned within the site to be reasonably set away from the boundaries with neighbouring dwellings and the private road of Christys Yard. Due to the modest scale, I do not consider that the development would be considered overbearing. The proposed development would have windows and at the ground floor level and within the roof slope, as such it would not provide any loss of privacy to the neighbouring dwellings.
- 4.3.13 The proposed dwelling at approximately 61.5 sqm would comply with the minimum nationally described space standards for a 2 bedroom/3-person property (61 sqm), would have a suitable amount of private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.

- 4.3.14 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and would provide acceptable living conditions for future occupiers. This is in accordance with Policies D1 and D3 of the Local Plan.

Access and Parking

- 4.3.15 The proposal seeks to access the site via Christys Yard. The Highways Authority have raised no objection to this proposal. However, with regards to neighbouring comments regarding rights of access this is a civil issue which will need to be agreed upon between the applicant and the management company (Chapel Mews Ltd) externally to the planning application.
- 4.3.16 The proposal provides two parking spaces to the front of the dwelling. It is considered that Christys Yard is a quiet road with serves few dwellings, as such occupants of the proposed dwelling could use Christys Yard as a turning circle. The proposal includes a secure cycle storage outbuilding to the side of the dwelling. The proposal meets the requirements set out within the Vehicle Parking at New Developments SPD as well as Policy T2 of the Local Plan. Therefore, I have no objections on parking grounds as the scheme complies with this requiring.

Landscaping and Sustainability

- 4.3.17 The proposed development would retain the existing hedgerow to the north, east and west of the site and would replace the close boarded fence with a native hedgerow and would plant a new hedgerow to the rear of the parking spaces. In my view, this would offset the loss of T2 Norwegian Maple. In my view, the site would feature adequate screening from the existing and proposed hedgerows. The Conservation Officer has raised concerns with the existing close boarded fence, therefore I consider that the proposed 'green' landscaping would respond positively to the heritage assets within the area.
- 4.3.18 The site is in close proximity to T1: Weeping Willow which is of significant public amenity and contributes to the visual amenity of the street scene. The submitted arboriculturally report recommends a number of Tree Protection Measures. I therefore recommend a condition that these measures are implemented to protect T1.

Biodiversity Net Gain

- 4.3.19 The proposal and the submitted Ecological Appraisal have been considered by the North Herts Ecologist. The appraisal considers the presence of Great Crested Newts and following consultation with the North Herts Ecologist, a countersigned copy of the Great Crested Newts District Level Licensing Scheme certificate has been submitted to the Council to confirm that appropriate mitigation in the form of a payment will be made to address the impacts of the development on this protected species, which is considered acceptable. Furthermore, the North Herts Ecologist has recommended the imposition of two conditions covering the submission of a Biodiversity Method Statement and Ecological Enhancements Scheme prior to commencement, which are considered reasonable given the conclusions of the PEA.

- 4.3.21 The proposal will also be subject to the mandatory requirements of Biodiversity Net Gain under Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4.3.22 Overall, the proposal would have an acceptable ecological impact subject to the mandatory BNG condition, the payment towards the GCN DLL scheme, and the above recommended conditions which would deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan.

Sustainability

- 4.3.23 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.24 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit.
- 4.3.25 Secondly, in terms of the social objective, this would add an additional dwelling to the districts housing figures which could be delivered in a relatively short space of time, which is a modest benefit.
- 4.3.26 Lastly, in terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. There is a single bus stop in Hinxworth which could be utilised to use services in nearby Baldock and Letchworth. That said, the LPA have designated this settlement as a Category B village, which allows for infilling development within the settlement boundary. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.
- 4.3.27 As such, it is considered that the proposal accords with the three pillars of sustainability, which should be given some weight in the planning balance.

Other Matters

- 4.3.28 The conservation officer has asked for the removal of Permitted Development rights. I consider that given that the dwelling would be located on a small plot with proximity to several heritage assets the dwelling should not have Permitted Development rights for classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4.4 Planning Balance and Conclusion

- 4.4.1 The site is located within a Category B village within the Local Plan and within the Rural Area Beyond the Green Belt where infilling development which does not extend the built core of the

village will be allowed. This proposal is considered to be in accordance with Policy SP2 and CGB1 of the Local Plan. This should be given significant weight.

- 4.4.2 The settlement has suitable services to accommodate limited growth and increased housing numbers, evidenced by its designation as a Category B village. The proposal would be a modest addition to the district's housing land supply and have limited social/economic benefits locally, which should be afforded moderate weight.
- 4.4.3 The design and siting are considered appropriate for its setting within Hinxworth and would not have an adverse impact upon the setting and significance of the street scene, Conservation Area or neighbouring Listed Buildings. This is in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF and should be given moderate weight.
- 4.4.4 The dwelling has been designed with features and materials that reflect the rural, traditional setting of Hinxworth. Details of external finishes are, in the main, to be controlled via condition. As such, the proposal is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. This should be given moderate weight.
- 4.4.5 Given the location of the proposal, the good plot size and the acceptable design, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and future occupiers. This is in accordance with Policy D3 of the Local Plan and should be awarded moderate weight.
- 4.4.6 The proposal is a small site that will deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan. There is no requirement for this proposal to demonstrate a 10% BNG due to the application being submitted prior to the 10% BNG becoming mandatory.
- 4.4.7 The proposal would not result in a development that will cause a detrimental impact on the highway network. The parking provision is acceptable in planning terms. Therefore, this scheme is deemed in accordance with Policies T1 and T2 of the Local Plan, which is awarded moderate weight.
- 4.3.8 The council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated between 2.6 and 3.3 years' worth of supply – and therefore there is a potential presumption in favour of development as set out in Paragraph 11 of the NPPF.
- 4.4.9 Overall, taking all matters into account in the planning balance, the proposal complies with the Local Plan as a whole and the application is recommended for approval, subject to conditions.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

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. No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be informed by August 2024 Habitat Mapping & Classification to support a BNG assessment and include the following:

- a) Review of site /time constraints.
- b) Details of any necessary working methods to prevent harm to bats.
- c) Type and source of materials to be used where appropriate.
- d) Persons responsible for implementing the works.

4. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the dwelling / first dwelling hereby approved and retained on site thereafter. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

5. 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.

6. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as required by the evaluation results
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
7. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)
8. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C,

D and E of Part 1 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 the Rural Area Beyond the Green Belt and to comply with Policy D1, D3 and CGB4 of the North Hertfordshire Local Plan 2011 to 2031.

10. Prior to the occupation of the development hereby approved, details including location, materials, elevations and screening of the cycle store shall be submitted to and approved in writing by the Local Planning Authority and the approved details are to be provided on site before the first occupation of the dwelling hereby approved and retained on site thereafter.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

11. Prior to the occupation of the development hereby approved, details including location, materials, elevations and screening of bin stores shall be submitted to and approved in writing by the Local Planning Authority and the approved details are to be provided on site before the first occupation of the dwelling hereby approved and retained on site thereafter.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

12. Prior to the commencement of the development, details or actual samples of the following:

- i. Clay handmade roof tiles;
- ii. Weatherboarding (including its external finish); and
- iii. Rainwater goods

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and the special character of the Hinxworth Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

13. The building's roof shall be constructed with open eaves (exposed rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings and the special character of the Hinxworth Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
- There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
- Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 14 July 2026	
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