

Planning Department
North Herts Council
(Submitted via Planning Portal)

24th October 2025

Project: Minor Material Amendment - Removal of Condition 3 (alternative access details), and Condition 4 (front boundary wall) of planning permission 24/02167/FP for 'Erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding'.

Site address: Old Generator House, Mill Lane, Hexton, Hertfordshire, SG5 3JE

Dear Sir / Madam,

An application for a Minor Material Amendment to vary the planning permission (reference 24/02167/FP), is hereby submitted via the Planning Portal. This Section 73 application seeks removal of Conditions 3 and 4.

Conditions 3 states,

3. Notwithstanding the submitted details and before the first residential occupation of any part of the building hereby approved, a report shall be submitted to and approved in writing by the Local Planning Authority, exploring alternative options for providing vehicular access to the site. This shall include consideration for providing access via a track running to the rear of Hexton Lodge. The report shall also include detailed drawings of any proposed route, including surface materials and any gates. The approved means of access shall be implemented on site prior to the residential occupation of the application site.

Reason: To ensure a vehicular access is provided that would not have an adverse effect on the character and appearance of Hexton Conservation Area and to ensure a

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vehicular access is provided prior to the residential occupation of the Old Generator building.

The imposition of this condition is strongly asserted to be unreasonable and fails to meet the tests as set out by the NPPF and Planning Practice Guidance (PPG) – Use of planning conditions. Paragraph 012 from this particular PPG regarding modifying plans is particularly relevant (our underlining).

“Can conditions be used to modify plans and other details submitted with an application? If a detail in a proposed development, or the lack of it, is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application. Where this involves significant changes this may result in the need for a fresh planning application. Depending on the case, it may be possible for the local planning authority to impose a condition making a minor modification to the development permitted. A condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used”.

The condition requires ‘alternative options’ for means of access, to be explored and reported on, which effectively ignores the actual approved development of the planning permission. The description of works included for access onto Mill Lane, which was shown in full detail on the submitted and approved plans (drawing reference 2023/25/02 - Proposed site plan and 2023/25/01 – Proposed plans and elevations – for Street scene view).

The description of the granted development states “..with new vehicular and pedestrian accesses onto Mill Lane..”. This description did not change and was the wording given at the start of the application process.

The condition therefore 'modifies the development' by preventing the actual approved means of access, which is therefore substantially different from that set out in the application'. As the PPG states, in this case, such a condition 'should not be used'. The condition fails to meet the tests for reasonableness and is entirely contrary to the government Planning Policy Guidance - Use of planning conditions.

Condition 4 states as follows,

No part of the existing front boundary wall shall be removed without first obtaining the prior approval of the Local Planning Authority.

Reason: in the interest of the appearance of the site and its impact upon the character and appearance of Hexton Conservation Area.

This condition is considered to be unnecessary. This is because again the 'prior approval' of the Local Planning Authority has already been given, by the granting of the planning permission. I reiterate, the description of works includes for access onto Mill Lane, which was shown in full detail of the part removal of the front boundary wall shown on the submitted and then approved drawings.

This was approved both in site plan for layout and for street scene elevation view, fully detailing the vehicular access, the pedestrian gate access and the reclaimed boundary wall brickwork, to form new piers accordingly.

Therefore, the permission or prior approval of the Authority is already granted. The imposition of this condition is therefore unnecessary and unreasonable to have attached to the planning permission.

The relevant part of the PPG in this regard is paragraph 006 where it states, "A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity".

Condition 4 does indeed require the re-submission and approval of details that have already been submitted as part of the planning application, which was therefore not necessary and does not meet these requirements of the PPG, or the National Planning Policy Framework.

In summary, both conditions 3 and 4 can be removed and it is considered entirely reasonable, logical and acceptable to do so, as set out above in this Statement.

We would be grateful if the Authority can discuss the imposition of any other related conditions, during the process of this application. Please contact me should you require any further information.

Yours faithfully,

James Gran

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