

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00500/FP	Single storey detached self-build dwelling including Air Source Heat Pump (ASHP), parking, cycle store and soft and hard landscaping (amended plans received 13.04.2026).	Old Foxes North End Kelshall Royston Hertfordshire SG8 9SE

Submitted Plan Nos

OKF25/01A OKF/25/02A OKF/25/03A OKF/25/04

D1	Sustainable design
D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP2	Settlement Hierarchy and Spatial Distrib
SP9	Design and Sustainability
CGB1	Rural Areas beyond the Green Belt.
HE1	Designated heritage assets
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment
T2	Parking

2.0 **Site History**

- 2.1 99/00155/1 - Alterations and extension of barn to facilitate use as three bedroom dwellinghouse; erection of triple garage, formation of vehicular access and driveway and ancillary works (as amended by drawings

Conditional Consent.

- 2.2 11/01960/1 - Raise eaves and roof height to facilitate conversion of existing garage to one 2 bedroom dwelling. Single and two storey front extension.

Refused.

- 2.3 24/02233/FP - Change of use of land from agricultural/grazing land to residential garden and erection of detached ancillary annexe.

Withdrawn.

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received.

- 3.2 **NHC Ecology** – No objection.

- 3.3 **Kelshall Parish Meeting** – No objection.

- 3.4 **Waste and Recycling** – None received.

- 3.5 **HCC Highways** – No objection.

- 3.6 **Environmental Health (combined)** - No objection subject to conditions.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 Old Foxes is one of a number of former agricultural buildings which have been converted into dwellings (99/00155/1). The site lies on the west side of North End in a residential part of Kelshall. The access road also serves the Stables and Menage to the West of the site, which is divided by a low hedgerow. The dwelling is served by a detached garage outbuilding, an application to convert this into a separate dwelling was refused under (11/01960/1). To the north of the site lies, the converted barns of Late Ash and Flint Barn. Foxhall Cottage across the road to the north-east is Grade II Listed. The site is located within the Rural Area Beyond the Green Belt.

4.2 Proposal

- 4.2.1 This is a full application for the erection of one 2-bedroom bungalow dwelling, including parking, landscaping, Air Source Heat Pump and Solar PV Panels.

4.2.2 The dwelling consist of two bedrooms, study, bathroom, utility room, kitchen, living room , porch and hall.

4.2.3 The proposed materials are:

Walls – Red brick plinth and timber cladding.

Windows – Dark Stained uPVC

Roof – slate

4.3 Key Issues

4.3.1 The key considerations are:

- ☐ The Principle of Development / Rural Area Beyond the Green Belt
- ☐ Design/Impact on the Character of the Area
- ☐ Impact on the Amenities of Neighbouring Properties/Future Occupiers
- ☐ Impact on Heritage Assets
- ☐ Ecology and Biodiversity Net Gain
- ☐ Highways and Parking
- ☐ Landscaping

Principle of Development – Rural Area Beyond the Green Belt

4.3.2 Under Policy SP2 and CGB1, Kelshall is defined as a 'Category B' village which is washed over by the Rural Area Beyond the Green Belt. Both policies states that "infilling development which does not extend the built core of the village will be allowed". The village does not have a defined settlement boundary; therefore, an objective assessment is required to determine the built core.

4.3.3 I note that a refusal was given under 11/01960/1 which considered that the detached garage outbuilding which serves Old Foxes would not fall within the built core of the village. However, I do not consider this to still be the case.

4.3.4 In my view, having considered the character of the village, there are small clusters of built form in Kelshall, located towards North End, the centre of the village around the junction, and on The Street. These clusters are, in the spirit of Policy SP2 and CGB1 of the Local Plan, considered to be the built core of Kelshall. The site is located immediately south of Old Foxes, Flint Barn and Late Ash and north of The Grange, all of which are residential properties. Furthermore, when you consider the location of the site from a bird's eye view, it appears to be an infill plot in the context of the two immediate neighbours. Therefore, in a village where built form is sporadic in nature, this site would be physically and visually related to existing properties on two sides in a linear fashion, which would dictate that it can be considered as an infill plot for the purposes of the Policies SP2 and CGB1 of the Local Plan.

4.3.5 The proposal is therefore considered acceptable in principle in the Rural area beyond the Green Belt, in line with Policies SP2 and CGB1 of the Local Plan.

Sustainability

- 4.3.6 The NPPF December 2023 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.
- 4.3.7 Regarding economic sustainability, the build process will provide for local jobs and will contribute to the local economy. Socially, friendships may form between new neighbours and residents can join in with local clubs and activities if they wish. The new house will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings and an energy efficient boiler and each house will be provided with EV parking provision secured by condition. Solar panels and an air source heat pump are included on the plans. On this basis, the development is considered to be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

Design/Impact on the Character of the Area

- 4.3.8 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.
- 4.3.9 The dwelling has been designed with a simple form and materials which would be sympathetic to the neighbouring dwellings. Due to this simple form and modest height and being set back from the highway, it would not have a detrimental impact on the street scene.
- 4.3.10 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

- 4.3.11 The proposed dwelling would be sufficiently sited away from any designated Heritage assets, the closest being Foxhall Cottage to the North-East of the site. The proposal would not impact the setting of this Grade II Listed Building.

The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.12 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.
- 4.3.13 The proposed dwelling would be sited close to the southern boundary of the site. It would have a modest eaves height, and the closet neighbouring dwelling is set sufficiently away. The rear windows of the proposed dwelling are at ground floor level and therefore would not provide

any overlooking. The ASHP would also be sufficiently set away from the closest neighbouring dwelling.

- 4.3.14 The proposed dwelling would be sufficiently set away from Old Foxes. Both dwellings would retain a suitable sized garden. Given the acceptable design and scale, the proposed dwelling would not be harmful to the host dwelling.
- 4.3.15 The proposed dwelling at approximately 150 sqm would comply with the minimum nationally described space standards for a 2 bedroom/4-person property (70 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.
- 4.3.16 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.

Highways and Parking

- 4.3.17 The site would be accessed via the existing access. The Highway Authority have formally commented on this application, stating no objection with informatics. It is not considered that an additional dwelling in this location would have a significant material impact on traffic and highway safety in this area compared to the existing use of the site. The proposal provides adequate space to allow for vehicles to turn and exit the site in forward gear.
- 4.3.18 The provision of 2 parking spaces per dwelling and bicycle storage would satisfy the requirements under Policy T2 of the Local Plan.

Bin Stores and Collection

- 4.3.19 It is considered that the proposal would have ample room to site the bins adjacent to the dwelling, the resident will be required to drag the bins to the end of the driveway for collection in line with the neighbouring dwellings.

Biodiversity and landscaping

- 4.3.20 The proposal would retain the existing screening to the front and proposes planting to the sides and rear. The proposed development is for a self-build dwelling, as per the BNG regulations, the development is therefore not bound to delivering at least 10% of BNG. Policy NE4 requires proposals to demonstrate measurable gains of BNG, and given the proposed planting, the development would result in some enhancement of ecological assets including swift boxes.
- 4.3.21 The site would have a relatively small amount of new hard landscaping, and a large amount of new planting. 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.

Other matters

- 4.3.22 Given the location of the dwelling within the Rural Area Beyond the Green Belt, a condition is recommended removing permitted development rights to prevent extensions to the dwellings, that may harm neighbouring residential amenity and to prevent large garden outbuildings from being constructed without the consideration of the LPA.
- 4.3.23 Although Environmental Health has requested a condition for an EV Charger. This is now a building regulation requirement, as such the doubling up of conditions would not be required.
- 4.3.24 Environmental Health have also requested a condition for a construction management plan. In my view, given the minor scale of development on this plot, sited away from neighbouring dwellings, this would not be a reasonable cost to levy on the applicant.

4.4 Conclusion

- 4.4.1 The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated between 2.7 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. The benefit of one dwelling will make a minor contribution to the delivery of housing numbers in the District, which is a planning benefit, and the proposed scheme will have no harm on the amenity of the neighbouring occupiers. The benefits of the application are therefore considered to be in accordance with the aims of Section 12 of the NPPF and Local Plan policies T1, T2, D1, D3, and NE4. The application is recommended for conditional permission.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 The agent is in agreement to the recommended conditions.

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. 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 BS10175:2026. 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 prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

4. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby permitted. The details shall include:

- a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
- b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- c) 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.

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. 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 to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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.

Informative/s:

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
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0300 1234047.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 15 April 2026	