

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00733/FP	Erection of one detached dwelling including detached garage, parking and landscaping (amended by plan received 02/06/25)	Land Adjacent To 6 Drivers End Codicote Hertfordshire

Submitted Plan Nos

JJ24-006 - Sheet 002 - Rev F JJ24-006 - Sheet 001 - Rev D

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
NE4	Biodiversity and geological sites
NE2	Landscape
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN16	Conserve + enhance historic environment
SECN15	Conserve + enhance natural environment
SECN5	Delivering sufficient supply of homes
SECN9	Promoting sustainable transport
SP12	Green infrastructure, landscape and biod
SP13	Historic environment

SP5	Countryside and Green Belt
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant site history**

- 2.1 20/00400/LDCP - Erection of detached single storey garden outbuilding to provide games room and study – Approved 04/03/20.
- 2.2 08/00373/1EUD - Certificate of Lawful Use: Existing use as garden to 4 Drivers End – Approved 29/05/08.
- 2.3 77/01305/1 - Outline application for erection of three pairs of semi-detached dwellings and formation of four separate vehicular accesses – Refused 26/01/78, for reasons of:
1. Being inappropriate development in the Green Belt; and the proposed dwellings would lead to a consolidation and expansion of the isolated pocket of sporadic development at Drivers End, thereby detracting from the pleasant open and rural character of the area and creating a precedent and pressure for other dwellings in the locality.

3.0 **Representations**

- 3.1 **Neighbours** – Two objections were received on the following grounds from Nos. 2 and 3 Drivers End:
- ☐ Change from a fenced paddock.
 - ☐ Inappropriate development in the Green Belt.
 - ☐ Similar developments have been refused, such as 22/00912/FP.
 - ☐ Could set a precedent on surrounding areas within Drivers End Lane.
 - ☐ Would not have an agricultural tie.

- ☐ Traffic problems.
- ☐ The building would not be in keeping with current properties.
- ☐ Should the planning department be minded to approve the application, then appropriate conditions and restrictions should be applied to prevent further harm to the Green Belt which could arise from subsequent development.

3.2 **Parish Council** - Codicote Parish Council would like to comment and object to this application on the following basis: -

- The application form states that the plans for sewage disposal are 'unknown'.
- There is no clear indication from the form who owns the land in question.
- The land is green belt.
- It is a substantial development that does not represent affordable housing and is of little benefit to Codicote.

3.3 **Environmental Health** – No objections.

3.4 **Waste Officer** - There is no provision of waste collection in this application. Without sufficient information I am not able to determine if the application meets requirements for waste collection provision.

3.5 **Council Ecologist** – No ecological objection to the proposal.

The November 2024 Statutory Biodiversity Metric records the site as modified grassland with trees giving a baseline value 1.14 Habitat Units and 0.03 Hedgerow Units. The post-development habitats of the site are valued at 1.31 Habitat Units and 0.14 Hedgerow Units. No plans are included with the metric but it is presumed that the habitat creation would be undertaken within the garden of the new dwelling. Whilst creation of this habitat is beneficial it cannot count towards a BNG unit score, only to a point of no net loss. As such the applicant would need to source the unit shortfall by purchasing off site units. Further, the habitat plan contained in the September 2024 Ecological Appraisal (EA) indicates a medium tree in the south east but the block plan shows the new dwelling in close proximity which is not appropriate and likely to impact on the trees which is not reflected in the Metric calculation. A root protection area would be helpful to prevent harm.

In addition to mandatory BNG the North Herts Local Plan also advises development should consider the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee bricks which are referred to in the EA. Taking this into account the following condition is advised.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate.

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

I appreciate for sending over the additional documents which conform that the proposed development will not require new access or alteration to the existing access off public highways. Therefore, taking all into account, the highway authority considers that the development is small in scale and will be accessed via a private road. Hence no objection is offered.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is an area of open land used for recreational purposes in association with adjoining dwelling No. 6 Drivers End to the SE. Ground levels are mainly flat. Site boundaries are hedges, vegetation and trees, and two 'open' areas to the side of No. 6 and its rear garden. A small number of small trees are in the west and SE parts of the site. The site has gated access onto a private driveway to the south.
- 4.1.2 The site is in the small settlement of Drivers End, which is washed over by the Green Belt. A small number of dwellings are to the south and north. Dwelling Troopers Cottage approx. 80m to the NW is a Grade II listed building. The site and Drivers End sit within rural agricultural surroundings.

4.2 **Proposal**

- 4.2.1 The erection of a detached two storey five bedroom dwelling with a pitched roof, separate detached double garage with a pitched roof west of the proposed dwelling, and the associated change of use of the land to a new residential plot. Access would be in a similar location to the existing gate, leading to a driveway and parking area to provide at least three parking spaces and to connect to the garage. New tree planting is shown.

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 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 – 157.

4.3.4 'Grey belt' is defined in the NPPF Glossary as:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns

Previously developed land (PDL) is defined in the NPPF Glossary as:

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

4.3.5 In assessing the proposal against the above criteria, the proposal is a new dwelling with ancillary development such as a garage and landscaping, therefore it does not fall within para. 154.

4.3.6 The December 2024 NPPF has however introduced a new para. 155 which is stated earlier in this report, which differs to previous versions of the NPPF as it has introduced a new land use definition 'Grey Belt' – the definition of which is:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;

*b) to prevent neighbouring towns merging into one another;
d) to preserve the setting and special character of historic towns*

- 4.3.7 The site is not PDL but it is “any other land”. In respect of para. 143 referred to in the definition, a) is not applicable as Drivers End is not considered to be a large built up area, it would not conflict with b) as Drivers End is not a town and the site is sufficiently far from the nearest towns Stevenage and Welwyn, and d) is not applicable either as Drivers End is not a town.
- 4.3.8 The last part of the definition states ‘*Grey belt*’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 states:

7 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 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, 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 75); and areas at risk of flooding or coastal change.

The proposed development is not considered to be on land referred to in footnote 7. The proposal complies with a. of 155.

- 4.3.9 The proposal complies with b. of 155 as there is a demonstrable unmet need for the type of development proposed, due to the LPA not being able to demonstrate a five year housing land supply. Part d. of 155 is not applicable to the proposed development. The proposal is not considered to conflict with 155 c. taking into account the absence of objections from the highways officer and as only one dwelling is proposed in a location near other dwellings (bus stops are also within walking distance at each end of Drivers End Lane).
- 4.3.10 The proposal is considered to comply with para. 155 of the NPPF, and would not be inappropriate development. The proposal is acceptable in principle, and complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Character and appearance

- 4.3.11 The proposal would change the use of the land to a new residential plot with an associated dwelling, garage etc. This would intensify the use of the site and introduce new built development, albeit the development would be limited to a single dwelling with garage that would occupy a small part of the plot.
- 4.3.12 The new dwelling would be visible from the area served by a private road used to access Nos. 1 to 6 Drivers End and Stud Cottage, and dwelling Troopers Cottage to the NW. The new dwelling would be sited near the southern boundary of the site, where other dwellings Nos. 1 to 6 Drivers End and Stud Cottage are visible in this part of Drivers End. As there is a notable presence of residential dwellings in this part of Drivers End, and as the site is used for purposes incidental to No. 6 Drivers Cottage with garden furniture etc., it's not considered that the proposed dwelling would appear out of character in the locality in terms of the use of the site.

- 4.3.13 The proposed dwelling would be sited NW of No. 6. This siting is considered to fall within the pattern of development of Nos. 1 to 6 Drivers End built around an open central green area. The siting of the dwelling west of No. 6 would be similar to that of Nos. 1 and 2 which are west of No. 3, therefore the new dwelling is considered to reflect the pattern of development in the locality.
- 4.3.14 The proposal would result in the plot of No. 6 being significantly reduced, however that plot size would be similar to Nos. 1 to 5 Drivers End, therefore this is acceptable. The plot for the proposed dwelling would be larger than Nos. 1 to 6, but smaller than the plot of Troopers Cottage, and is not considered that it would appear out of character.
- 4.3.15 The proposed dwelling would be two storeys with a pitched roof. External materials have not been specified, however from the proposed plans the materials appear to be render with exposed timbers, and a tiled roof (the garage would be bricks, cladding and tiles).
- 4.3.16 The dwelling is considered to be of a size and design that relates acceptably to Nos. 1 to 6 Drivers End, which each have white painted rendered exteriors with exposed timbers and tiled roofs. Nos. 1 to 6 are all semi-detached, with each of those dwellings being similar to their attached pair. The proposed dwelling would be detached, however it's considered that it's been designed to reflect the features of Nos. 1 to 6 as its front elevation includes a two storey front projection and three half-dormers.
- 4.3.17 The proposal includes a detached double garage, which is considered to be of a size, siting and design that would appear incidental to the main dwelling and in keeping with its character and appearance. The garage would be set behind the front of the dwelling and near its west side elevation, and would appear as a related outbuilding.
- 4.3.18 In terms of how the garage would relate to the character of this part of Drivers End, the garage would sit comfortably within the site due to its size and siting relative to the site and the proposed host dwelling. Dwelling Heston to the SW has a detached double garage, and Troopers Cottage to the NW has a large outbuilding that includes a double garage, therefore the proposed garage is considered acceptable in this location.
- 4.3.19 The proposed dwelling is not considered harmful to the setting and significance of Grade II listed building Troopers Cottage, as the dwelling would be approx. 120m away with numerous trees between. The proposal complies with Policies D1 and HE1 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.

Neighbour amenity

- 4.3.20 The closest dwelling to the proposed development is No. 6 Drivers End, which is owned by the applicant and is not a neighbour outside the red-edged and blue-edged sites. No. 5 Drivers End to the south of No. 6 is sufficiently far from the proposed development to not be adversely affected by it, as are the other dwellings south of No. 5 and Troopers Cottage to the NW.
- 4.3.21 Some of the objections from neighbours and the Parish Council have been addressed elsewhere in this report. In response to other neighbour comments, the site is not considered to be a paddock as it's used for garden leisure/recreation purposes in

association with No. 6 Drivers End. Refused application 22/00912/FP was determined under different policy circumstances on a different site, and is not comparable to the present proposal. An agricultural tie is not a policy requirement, and in any case there is no farm the dwelling could be associated with. It would not set a precedent as each case is determined on its own merits. It's not considered that there would be traffic problems as only one new dwelling is proposed which would have limited impacts on highways.

- 4.3.22 In response to the Parish Council objections, sewage disposal arrangements aren't a material consideration for this planning application. The site is owned by the applicant at No. 6 Drivers End, set out in the application form. The proposal is only for one new dwelling, and is not required to be 'affordable' under Local Plan Policy HS2 as a development needs to be of at least 11 dwellings before affordable housing is required. The provision of a new dwelling can be argued as being of a small benefit to Codicote. 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

- 4.3.23 This concerns living conditions for potential occupants of the proposed dwelling, and No. 6 Drivers End. 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 substantial in size, and with the proposed planting, would be of a sufficient size for occupants of the new dwelling.
- 4.3.24 The NW side elevation of No. 6 Drivers End would be in close proximity to the private rear garden area of the proposed dwelling. The ground floor of this side elevation contains three openings which are clear glazed, and would provide clear views into the rear garden of the new dwelling. However, it's considered that a 1.8m boundary fence or similar could be required by condition, which would prevent harmful loss of privacy from the side ground floor openings of No. 6.
- 4.3.25 The SE boundary of the site with the NW boundary of the rear garden of No. 6 comprises two lengths of hedgerow and two open areas, with the open areas permitting movement between the site and the blue-edged area which can be considered as the original curtilage of No. 6. The present situation would not provide acceptable privacy and amenity for the new dwelling and No. 6, however it's considered that requiring appropriate boundary means of enclosure by condition on that boundary would overcome these concerns.
- 4.3.26 The NW facing side elevation of No. 6 also includes two first floor clear glazed side windows. Based on the planning history of No. 6, these windows are considered to serve a bedroom and a bathroom. The bedroom window is nearer the front of No. 6 and would have clear views into the rear garden of the proposed dwelling. The bathroom window is near the rear of No. 6 and would also provide views into the rear garden of the proposed dwelling, although a nearby tree would obscure these views to some extent.
- 4.3.27 The two first floor side windows referred to above would provide views of part of the rear garden of the proposed dwelling. There is no screening of views from these windows, however it's considered that tree/vegetation planting of a height and siting sufficient to restrict views from the side windows can be required by condition, with the planting to be

completed prior to occupation of the proposed dwelling. In addition, future occupants of the new dwelling would be aware of its relationship with No. 6, and the rear garden for the new dwelling would be of such a size that it would have large amounts of more private areas.

- 4.3.28 The garden area of No. 6 would be significantly reduced, however the remaining rear 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. For the reasons above, 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

- 4.3.29 The new dwelling would have five bedrooms, which would require a minimum of two parking spaces. More than two spaces would be provided, which is acceptable. At least one cycle could be accommodated internally, which is acceptable. Visitor parking is not required for the single dwelling, however in this case there would be ample parking for visitors.
- 4.3.30 Bin storage has been shown in an enclosure and location that are considered acceptable. Bin collection of other dwellings in this part of Drivers End appears to take place from the private drive serving Nos. 1 to 6, which is considered possible and practicable for the proposed dwelling and its bin storage area as they would not be close to its entrance off the drive.
- 4.3.31 The County Council highways officer has not objected to the application, on the basis that the proposal will not alter or affect access to public highways and their operation. I do not see any reasons to disagree due to the proposed dwelling being accessed off a private drive.
- 4.3.32 It's not considered that public highways would be adversely affected by the proposal, and that the access for the proposed dwelling is considered acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and landscaping

- 4.3.33 The site contains a small number of trees, however it is not considered that they would be affected by the development or experience future pressures for felling or lopping as the dwelling would be sufficiently far away from them.
- 4.3.34 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.

Ecology

- 4.3.35 The site has been surveyed for protected and important species, with surveys not finding any. There are no objections from the Ecologist, and a condition recommended by the

Ecologist to provide ecological enhancements would be imposed on any permission granted.

- 4.3.36 The proposed dwelling would need to provide mandatory 10% Biodiversity Net Gain, which would be required by a standard BNG condition. 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 the SE boundary area of the site with No. 6 Drivers End, to include a means of enclosure a minimum of 1.8m high NE from the NW side of No. 6; and new tree/vegetation planting of a sufficient height and species type to obscure views from the NW side windows of No. 6
- e) 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. 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, 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.

8. The use of the garage hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouse to which it relates, and it shall not be used in connection with any form of trade, business or commercial activity.

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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. The Council acted proactively through positive engagement with the applicant during the determination process 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	Development Management
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 Anne McDonald	North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 4 June 2025	