

Date: 11th November 2025

Our ref: GHC/1209/02

**Rosanna Metcalfe
Strutt and Parker
B1 Brooklands
Cambridge
CB2 8EE**

By Email only

Dear Rosanna,

Re: Reed House, Jacksons Lane, Reed 25/00886/FP, response to proposed reasons for refusal

Please find below GHC Archaeology & Heritage's response to the proposed reason for refusal of application 25/00886/FP and the Conservation Officers comments on the application, upon which the proposed reason for refusal appears to have been based.

Background

A full planning application for the erection of 14 dwellings and associated infrastructure has been submitted to North Herts Council. In support of this application a detailed Heritage Statement was produced (GHC February 2024). That report concluded that:

The design, detailing and palette of the development will need to be carefully considered to ensure that the development compliments the character and appearance of the Conservation Area, but it is reasoned that the study site can be developed in principle without causing harm to the significance or ability to appreciate said significance of the Conservation Area.

In response to these proposals and the conclusions of the supporting Heritage Statement, the applicant has received notification of proposed reasons for refusal which include:

The key character of Reed Conservation Area (RCA) is its openness and is identified as making a great contribution to the significance of RCA at 6.8 of the submitted Heritage Statement. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes with space between properties. The village is highly rural with a strong countryside setting. The development of 14 dwellings would appear significantly denser than the neighbouring plots on Jackson's Lane which comprise detached and semi-detached houses on large plots, generally with substantial spacing between. The application site does not form part of the agricultural setting to the RCA, however, this garden area is 'open space' adjacent to the RCA which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson's Lane and Crow Lane, thus maintaining the character and appearance of the RCA. By reason of layout and density together with the 'green', driveways, access road and other features, the development would create an overtly suburban environment alien to this undeveloped site detracting from the setting and impairing the significance of the RCA. The development would not be sympathetic to local character and history, including the surrounding built environment (para 135c) or would make a positive contribution to local character

and distinctiveness (para 210). The proposal fails to satisfy the aims of paragraph 135c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm is considered moderate on the less than substantial harm continuum and any perceived public benefits are such that these are not considered to outweigh the heritage harm.

This proposed reason for refusal appears to be based upon comments issued by the Senior Conservation Officer for North Herts Council (letter dated 26/9/25).

Review and Assessment

This proposed reason for refusal appears to be based upon comments issued by the Senior Conservation Officer for North Herts Council (letter dated 26/9/25). The following section provides a review of the conclusions of the Heritage Statement in relation to the comments received from the officer and the proposed reason for refusal. For the sake of clarity quotes taken from the Conservation Officers comments are shown in italics and sections from the proposed reason for refusal to which they relate are bold and italic.

The key character of Reed Conservation Area (RCA) is its openness and is identified as making a great contribution to the significance of RCA at 6.8 of the submitted Heritage Statement.

It is not disputed that openness is a key characteristic of the RCA and this is indeed stated within the Heritage Statement, however, the Heritage Statement at paragraph 6.11 also makes abundantly clear that the application site is visually isolated from the RCA. Therefore, whilst the application site can be deemed open space, it is highly enclosed meaning that it does not contribute to any sense of openness.

The idea that the application site makes some contribution to the openness of the RCA was further detailed in the Conservation Officers comments:

The site makes a positive contribution to the adjacent Conservation Area through its open character and the views that are apparent across the site from The Joint and the public bridleway Reed 001 to the north and from the public footpath Reed 013 immediately the east of the site.

Whilst the site is open space (being a large domestic garden) this openness is not readily appreciable from the RCA itself, indeed virtually the only point from within the RCA where there is any appreciable visibility of the site is from part of Reed House Garden, to the immediate north of the house itself, where it is seen as an extension of the houses domestic grounds.

The officers comments refer to views that are apparent across the site from The Joint, the bridleway and public footpath. All of these locations are beyond the RCA, do not allow for views of the RCA and, even in terms of the site itself, are extremely restricted and far from 'apparent'. As shown in Plates 9 to 16 of the Heritage Statement, the only visibility into the site from the Joint is through the metal gates on the northern edge of the site, where Reed House itself is the only part of the RCA visible.

There is no visibility into the site from the bridleway and the only visibility from the footpath is through a gap in the hedge that does not face towards the RCA.

The NPPF defines setting as the area in which a heritage asset is 'experienced'. It is quite clear that there is no 'experience' of the RCA in these views from The Joint, the bridleway or the footpath.

As detailed at paragraph 1.11 of the Heritage Statement, it has also been found to be the case by the Planning Inspectorate that, whilst openness is a key characteristic of the RCA, the application site is well screened from the RCA.

In their comments on the application the Conservation Officer has not referenced either appeal decision relating to the application site itself (which found no heritage reasons for refusal) but has chosen to highlight the appeal on the neighbouring site at Mill Farm:

This pre-application submission does not mention the refused planning application 20/01605/PIP and dismissed appeal decision (APP/X1925/W/20/3260353) at Mill Corner Farm immediately adjoining the Reed House site to the west. The refusal of planning permission on this site is of particular relevance given its location next to the Reed House site, its similar open characteristic, location outside of the defined category A village boundary and the fact that most of the site is outside of but adjacent to the Reed CA.

Whilst being adjacent to the current application site the Mill Farm site is markedly different in character and its contribution to the significance of the RCA. The Mill Farm site is in use for grazing and as such retains agricultural character. The Mill Farm site directly fronts onto Jacksons Lane, bringing it's openness directly into the RCA, and also forms a direct open link between Jackson Lane and The Joint, the less dense nature of its northern boundary treatment also allows for visibility through to the RCA (indeed this contribution is described in the Heritage Statement at paragraph 6.10). This is all in marked contrast to the manicured, private, domestic nature of the current application site which is well screened from the RCA.

As detailed in the Heritage Statement Planning Inspectors have, on two separate occasions, found that the application site does not make any appreciable contribution to the openness of the RCA. It is, therefore, abundantly clear that the Planning Inspectorate takes a very different view on the contribution of the Reed House site to the RCA to that of Mill Farm and that the Mill Farm decision is not of particular relevance to the current application.

There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes with space between properties.

This part of the proposed reason for refusal is taken directly from the Reed Conservation Area Character Statement and it should be noted that the statement refers only to the RCA itself, not the wider area or setting (including the application site).

There are a number of properties along the southern part of Brickyard Lane and the northern part of Church Lane (both within the RCA) that would not be out of place within a suburban context and the recent development of 12 residential units within a site of less than 1ha in extent within the RCA, to the west of Brickyard Lane, can hardly be described as 'scattered along country lanes'. Therefore, this part of the proposed reason for refusal is not entirely accurate in its summary of the RCA.

Within the immediate setting of the RCA there is established development of a denser nature along both sides of Blacksmith's Lane (again, particularly those to the north, that would not be out of place in a suburban context) and the east of Brickyard Lane. Therefore, denser development of a non-typical rural nature is not an alien feature within the setting of the RCA.

The village is highly rural with a strong countryside setting.

This again is not contested and is also described in the Heritage Statement, however, if the refusal is on heritage terms it should be talking about the RCA, not the village as a whole, which is not a heritage asset. Furthermore, as detailed numerous times in the Heritage Statement, and also as is stated in the proposed reason for refusal, the application site is not part of the agricultural setting of the RCA.

The development of 14 dwellings would appear significantly denser than the neighbouring plots on Jackson's Lane which comprise detached and semi-detached houses on large plots, generally with substantial spacing between.

Whilst the development is denser than that immediately to the south on Jackson Lane, that area is within the RCA, whereas the application site is not. Being beyond the RCA it would be unreasonable to expect the same. Furthermore this density is no greater than the development on either side of Brickyard Lane. It should also be noted that the application site is well screened from the RCA and as such, the density of development would not be experienced from the RCA.

The application site does not form part of the agricultural setting to the RCA, however, this garden area is 'open space' adjacent to the RCA which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson's Lane and Crow Lane, thus maintaining the character and appearance of the RCA.

Once again there is no recognition of the fact that the application site is heavily screened, not only from the RCA, but also from the farmland to the north of The Joint. It is, therefore, not 'experienced' as an open space and does not contribute to the sense of openness of the RCA. This visual separation, along with the access to the site being from the north, will, therefore, in no way impact the ability to appreciate the linear built form along Jackson Lane nor will it impact the character and appearance of the RCA.

In their comments on the application, the Conservation Officer reproduces a number of map extracts and google earth imagery to illustrate their point regarding the position of the application site as open

space in the setting of the RCA. However, I believe it is partly this reliance on viewing the village and the application site from map evidence and aerial images that has led the officer to believe that the application site makes a greater contribution to the significance of the RCA than it actually does. When viewed from above it is clear that the application site does form an area of open space adjacent the RCA (this has never been disputed and is fully acknowledged within the Heritage Statement). However, setting is about 'experience' of an asset and it is clear that the openness of the application site is not experienced from the RCA, or its surroundings, in that way that is implied when relying on cartographic and aerial imagery. It is also of note that the Conservation Officer has not provided any ground level views to illustrate his argument, which is in contrast to those provided in the Heritage Statement, and is likely due to the fact that there are no ground level views which can be shown to make any appreciable contribution to the significance of the RCA.

The officer goes on to summarise their interpretation of the Heritage Statements main points in support of the scheme yet misses the point in several key aspects. The officer states, twice, that the reasoning for the application site being regarded as a neutral element in the setting of the RCA is because it is of a domestic rather than agricultural nature. This is, however, a misrepresentation of what is actually said in the Heritage Statement. The Heritage Statement is quite clear that it is a combination of the domestic nature of the application site along with its visual isolation from the RCA that reduce its contribution to the significance of the RCA.

The officer, however, takes exception to the Heritage Statements conclusion that the application site is visually isolated:

Far from being 'isolated', the application site shares similar characteristics to other land parcels south of The Joint with an overwhelming sense of rurality whether that is due to private gardens, paddock/grazing land or areas of countryside that extend up to the road. If successful, there is a clear concern that this development may set an unwelcome precedent for development nearby. In reporting on the Mill Farm House appeal, the Inspector stated that even the development of seven houses 'would appear significantly denser than the neighbouring plots on Jackson's Lane' and that the development would 'still be sited within the countryside and would cause harm through the loss of a greenfield site that contributes to the village's rural setting'

The officer is again misquoting the findings of the heritage statement here as there is a marked difference between 'isolated' and 'visually isolated'. The other parcels to the south of The Joint, whilst comprising a combination of domestic gardens and pasture, are not anywhere near as visually screened as the application site, which simply cannot be appreciated from its surroundings. Furthermore, each site should be assessed on its individual merits and it should not be the officers place to seek a refusal because of fear of setting a precedent. Once again, the officer cites the Mill Farm appeal yet makes no mention of the two appeals within the application site itself that found no heritage harm.

By reason of layout and density together with the 'green', driveways, access road and other features, the development would create an overtly suburban environment alien to this undeveloped site detracting from the setting and impairing the significance of the RCA.

The nature of 'suburban' character is explored in detail in the Heritage Statement and it is refuted that the proposed development would introduce a suburban character, however, in terms of density and layout the proposed development is little different to recently consented schemes both within and adjacent to the RCA and to longer established development also adjacent the RCA. Quite why the council should pick out block paving driveways as being detrimental is unclear. There is a wide variety of surfacing used for driveways both within the RCA and immediately adjacent, including gravel, tarmac concrete and block paving. It is hard to see, therefore, that this could be considered alien to the character of the area. Once again, in order for change within the setting of a heritage asset to impact it's significance there must be some shared 'experience', and the layout and nature of the proposed development simply would not be 'experienced' from the RCA or vice versa.

The development would not be sympathetic to local character and history, including the surrounding built environment (para 135c) or would make a positive contribution to local character and distinctiveness (para 210). The proposal fails to satisfy the aims of paragraph 135c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

As has been made clear above and within the Heritage Statement, the development proposals can be shown to be in keeping with the local character, particularly those parts of the village which, like the application site itself, fall beyond the RCA, therefore the proposals are in accordance with paragraphs 135c and 210 of the NPPF.

Section 16 of the NPPF can be summarised as seeking the:

- Delivery of sustainable development
- Understanding the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, and
- Conservation of England's heritage assets in a manner appropriate to their significance.

The aims of Policy HE1 are concordant with section 16 of the NPPF, albeit applying at a local level rather than national. As detailed in the submitted Heritage Statement the development proposals are entirely in accordance with the provisions of section 16 of the NPPF as they can be delivered without causing harm to the significance of the RCA.

The degree of harm is considered moderate on the less than substantial harm continuum and any perceived public benefits are such that these are not considered to outweigh the heritage harm.

It has been established by the courts that substantial harm is a high test, an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether

or very much reduced (Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Limited [2013] EWHC 4344 (Admin)). It stands to reason, therefore, that less than substantial harm covers a very broad spectrum indeed. To be towards the upper end of that spectrum would require something approaching substantial harm and even to fall within the middle of that spectrum (a moderate level as suggested by the council) would require a high level of harm. In assessing harm, policy and guidance is also clear that the level of harm ascribed is to the significance of the asset as a whole, not just to one specific element.

In order for the Council's assertion that the harm would be moderate, i.e. approach the middle of the less than substantial spectrum, to hold any validity the proposed development would have to remove an aspect of significance that, whilst not key or fundamental to the significance, would still need to make a high contribution to that significance. As has been clearly expressed in the Heritage Statement (and also as has been found by two planning inspectors) the application site is well screened from the RCA and there is little meaningful 'experience' of either from the other. Setting is defined as the surroundings in which an asset is experienced and without any meaningful experience being available there can be no meaningful contribution to significance. Therefore, if the proposed development does present any harm to the significance of the RCA (which we continue to refute) it could not be considered to be anything but at the very lowest end of the less than substantial harm spectrum.

Conclusions

From the proposed reason for refusal it is clear that the Council have chosen to disregard the fact that the application site is visually isolated from the RCA, as has been detailed in the submitted Heritage Statement and as has been found by two separate Planning Inspectors.

In both the reason for refusal and the comments issued by the Conservation Officer it would appear that the Council are treating the application site as though it were a part of the RCA, rather than just falling within its setting. In designating or revising a Conservation Area and recommending which areas are suitable for inclusion or exclusion, consideration is given to whether or not the land or buildings in question form part of an area of special architectural or historic interest whose character or appearance should be conserved. Conservation Area boundaries are often reviewed and in the case of Reed Conservation Area, there has been no move on the part of the Council to extend the RCA to include the site, or any other plots since the area was last reviewed in 1979. If the open space between Jacksons Lane are so integral to the significance of the RCA, surely there would have been some move to incorporate them.

The Council's stated position of the proposed development causing a moderate level of less than substantial harm are clearly a vast over reaction to a carefully considered scheme within a visually isolated plot of land beyond the boundary of the Conservation Area. I, therefore, fully stand by the



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conclusions of the submitted Heritage Statement that the proposed development can be delivered without causing any harm to the significance of Reed Conservation Area.

Yours sincerely



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