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19th December 2025

Dear Tom,

RE: Full planning application for the erection of 14 dwellings and associated infrastructure

I write further to the Council's decision to postpone the determination of the above application at planning committee on 20th November. The application was to go to committee with a recommendation of refusal but there were some concerns with the report.

In light of the Council's decision to postpone determination of the application to allow for the consideration of key issues more thoroughly, please find enclosed:

- Transport Statement
- Heritage Rebuttal Statement
- Updated Flood Risk and Drainage Statement
- S1017-PL01.P1 - Master Site Location Plan (28/03/25) Revision P2
- S1017-PL10.P2 - O/S & Site Survey Layout (20/06/25) Revision P3
- S1017-PL22.P3 - Master Site Layout Plan (20/06/25) Revision P5
- S1017-PL23.P2 - Roof Plan Layout (20/06/25) Revision P3
- S1017-PL25.P2 - Visibility Splay Layout (20/06/25) Revision P3
- S1017-PL26.P1 - Boundary Treatment Plan (20/06/25) Revision P2

The drawings have been updated to include the amendments the highways authority requested to the site access points and to reflect the updated drainage strategy.

The Transport Statement and Updated Flood Risk and Drainage Statement have been prepared following meetings with Hertfordshire County Council Highways and the Lead Local Flood Authority (LLFA).

In response to the committee report, we have said out our response to some of the matters made.

Previously Developed Land Status

In the Committee Report, the Officer suggests that it is questionable whether the whole of this garden forms the residential curtilage to the dwelling and therefore "it is considered that the site does not fall within the definition of previously developed land in the NPPF".

We strongly disagree with this assertion and we previously shared an Advice Note from Town Legal on this matter. This note concludes that this Site would fall within the definition of PDL in the NPPF. It confirms that the Site is a

part of the garden of Reed House and falls within the curtilage of the house, being 'part and parcel' of the same land noting the Site meets the relevant tests for curtilage, as set out in caselaw.

It is also worth noting that the Committee Report did not list the 1993 planning permission as relevant to the application.

Sustainability / Location

Reed is a Category A village as determined by Council during the preparation of its Local Plan and agreed by the Planning Inspectorate. In accordance with Policy SP2 (Settlement Hierarchy and Spatial Distribution) 'general development' will be allowed within the defined settlement boundaries. The Council cannot demonstrate a five-year housing land supply, and thus policies relating to the supply of housing (i.e. settlement boundaries) are considered out-of-date.

The site is centrally located within the village and within 50m of the First School. It also has a relatively frequent bus service which include services to Royston and a bus to Freman College Secondary School and Sixth Form which is on par and in some cases better than other Category A villages (discussed below). 22 homes are allocated in the village (Policy RD1) which clearly indicates the Council and Planning Inspectorate viewed Reed to be a sustainable location (indeed, this allocated site is less centrally located and also not currently connected to the centre of the village by a footway).

To say this development is not located in a sustainable location is therefore contrary to the Local Plan.

Reliance on private car

As shown in Figure 3.2 of the Transport Statement, most of the village amenities are accessible within a 10-minute walk of the site the Village Hall and a restaurant to the south of the site. Bus stops on Brickyard Lane and Blacksmith's Lane are also accessible within this range. Within a 20-minute walk of the site, the entirety of Reed is accessible, including the Silver Bull Café to the west of the site and the bus stops on the A10. Royston is located circa a 5km walk from the site, which would take approximately an hour, accessible via the bridleway which commences to the immediate north of the site from The Joint.

The nearest bus stop to the site is 'Brickyard Lane', located approximately a 350m walk (4-minutes) from the site. 'Brickyard Lane' is a hail and ride bus stop, served by bus route 18.

The bus stop 'Blacksmith's Lane Village Hall' is more frequently served by bus route 18 and is located a 500m walk (6-minutes) from the site. This stop is equipped with a bus shelter, with seating, as well as flag and pole arrangement. The bus stop 'Silver Ball Café' is also served by the 899 school bus, which runs from Royston to Buntingford.

A summary of the frequency of services from these stops are presented in Table 3.1 of the Transport Statement and this shows there is a regular weekday and Saturday frequency providing connections to several nearby destinations such as Royston and Hertford.

As shown in Figure 4.1 and in full on Drawing KMC25088/001 Rev D, at Appendix E, of the Transport Statement pedestrian and cycle access to the site is primarily proposed via a 4.2m wide shared user path, connecting with Jackson's Lane towards the south of the site. This will provide a more direct access to Reed First School and the

other amenities within the village compared to the proposed vehicular access, demonstrating the site seeks to promote and prioritise sustainable transport in line with the aspirations of the NPPF.

From the shared user path, it is proposed to provide a 2m footway along the northern side of Jackson's Lane. This will connect with the existing provision along the southern side of Jackson's Lane via a proposed uncontrolled pedestrian crossing, providing a continuous pedestrian link to the primary school and other village amenities.

In accordance with paragraph 110 of the NPPF:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes....However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

On the basis that the site is within walking distance of local facilities (including the primary school) and that there is a frequent bus service to Royston and a school bus service, we would argue that a choice of transport modes is available for a rural area. The Committee Report implies that this site is 'significant development' but it is hardly considered that 14 dwellings represent 'significant development' in this context.

On the basis of the above, it is not considered that the proposals promote the reliance on private car and that the proposals are contrary to the NPPF. It is worth noting that the previous applications on this site did not provide access from the site to Jackson's Lane. It is considered that the provision of this connection and the proposed footway along Jackson's Lane addresses the previous reasons for refusal in this regard.

Heritage Considerations

The fourth reason for refusal in the Committee Report appears to be based upon comments issued by the Conservation Officer (29/09/25). A Heritage Rebuttal Statement in response to these comments has been prepared and is enclosed.

This Statement concludes that the Council have chosen to disregard the fact that the application site is visually isolated from the Reed Conservation Area (RCA) as detailed in the Heritage Statement and has been found by two separate Planning Inspectors (to which the Conservation Officer makes no reference).

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 Conservation Officer's comments to the application 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.

The Conservation Officer and in turn the Committee Report conclude that “the degree of harm would be moderate on the less than substantial harm continuum.”

As set out in the Rebuttal Statement, 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.

Landscape Impact / Urban Design Considerations

It is acknowledged that the proposals will result in some degree of harm to the landscape as is the case for nearly all development on the edges of settlement. However, as a private garden, the site is already well enclosed and as discussed above, views from the Conservation Area (i.e. the heart of the village) are very limited. The Committee Report comments on the possible removal of boundary planting and notes:

“The submitted scheme aims at retaining practically all of the existing boundary planting however its queried whether the tall conifer screening with The Joint in particular would be retained in the medium to long term given the north facing aspect of the gardens backing onto this boundary and the consequent pressure by future residents to remove these tall trees. Any removal of the northern boundary vegetation would further open up the development to the wider landscape and serve to have a detrimental impact upon the rural character of the area. The character of The Joint is one of a country lane and is not characterised by housing developments of the kind proposed (including its wide entrance road and bellmouth access).”

As noted by the Officer, nearly all of the existing boundary planting will be retained. The fact that it might be removed in an imagined future scenario should not be a material consideration. Any development which comes forward will be expected to comply with the approved plans and this will include retaining existing planting. There are means at the applicant’s and Council’s disposal to ensure that boundary planting is not removed.

Flood Risk and Drainage

The LLFA objected to the FRA and Drainage Strategy which our Flood Risk consultants have sought to address. A revised FRA and Drainage Strategy has been prepared along with a Technical Note which sets out our response to all of the comments made.

Of particular note, a CCTV survey has been undertaken which has confirmed the proposed drainage strategy is appropriate and can be achieved.

Legal Considerations

It is noted that the final reason for refusal relates to the absence of a legal agreement. Should the Council resolve to grant planning permission, then the applicant will enter into a S106 Agreement with relevant parties to provide policy compliant affordable housing and any other financial contributions to mitigate the impact of the development.

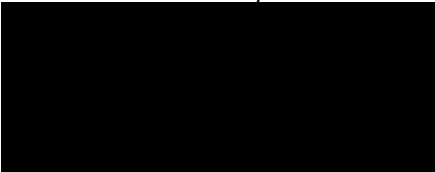
Planning Balance

On the basis of the above, we disagree with the conclusions drawn by the Officer in respect of the harm arising from the development. It is our view that the harm attributed to the perceived harm to the setting of the Conservation Area is misjudged; the site is not in an unsustainable location in the context of the Local Plan; the site is accessible by a range of transport modes in the context of paragraph 110 of the NPPF; and that site's status as previously developed land has been disregarded.

Whilst it is acknowledged that there will be some localised harm in form of a domestic garden being developed for housing, these are not considered to outweigh the benefits which include the provision of much needed market and affordable homes in North Hertfordshire and support for and investment in local facilities including the village primary school and village hall.

We would be grateful if you could reconsult on the revised information submitted to the Council in advance of determination. Please let me know if you need anything further.

Yours sincerely



Rosanna Metcalfe
MSc MRTPI
Associate Director