

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01868/S73	Removal of condition 9 of planning permission 23/00505/S73 granted 20.04.2023 for the erection of one detached four bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding.	Glencoe Villa Snailswell Lane Ickleford Hitchin Hertfordshire SG5 3TS

Submitted Plan Nos

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SP5	Countryside and Green Belt
SP9	Design and Sustainability

2.0 Site History

- 2.1 23/00505/S73 - Variation of Condition 2 (approved plans and details) of planning permission 22/00172/FP granted 28/03/2022 for the erection of one detached four bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – Approved 20/04/23.
- 2.2 22/02627/S73 - Variation of condition 2 (revision of dwelling design) of previously approved planning permission 22/00172/FP granted 28/03/2022 - erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – Refused 09/12/22 for:
1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified through loss of openness. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special

circumstances necessary to permit inappropriate development in the Green Belt. The proposal does not comply with Policy SP5 of the adopted Local Plan; and Section 13 of the National Planning Policy Framework.

2. The proposed development by reason of its design, siting and appearance would be detrimental to the character and appearance of the locality. The proposal does not comply with Policies SP9 and D1 of the adopted Local Plan; and Section 12 of the National Planning Policy Framework.

Appeal dismissed 13/12/23.

- 2.3 22/00172/FP - Erection of one detached four-bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding – Approved 28/03/22.
- 2.4 21/01300/FP - Erection of one detached 3-bed dwelling – Refused 15/06/21 for:
 - 1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified through loss of openness. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal does not comply with Policies 2 and 3 of the 1996 Adopted Local Plan; Policies SP1 and SP5 of the Emerging Local Plan; and Section 13 of the National Planning Policy Framework.
- 2.5 20/01168/FP - Erection of one detached single storey 3-bed dwelling – Approved 27/10/20.

3.0 **Representations**

- 3.1 **Parish Council** - Ickleford Parish Councillors OBJECT to the request to remove condition 9 in order to ensure that the householder's future plans are acceptable and are within the remit of planning law as well as the Local and Neighbourhood Plan.
- 3.2 **Bedford Group of Drainage Boards** – No comments to make.
- 3.3 **Environmental Health** – No objections.
- 3.4 **Highways officer** – Does not wish to restrict the grant of permission.
- 3.5 **Herts Ecology** – As there are no material changes that would warrant amended comments in this case, our previous advice still stands.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises land to the east and north of a detached two storey dwelling (Glencoe Villa), which slopes up gently to the rear. The site has been used for a coal merchant business in association with Glencoe Villa, which had various associated

buildings and structures remaining within the site and some trees, most of which have been removed.

- 4.1.2 The wider locality has a rural character with a small number of dwellings nearby on the north edge of Ickleford, with a caravan park to the east. The site is in the Green Belt.

4.2 **Proposal**

- 4.2.1 This application seeks to remove Condition 9 (removal of Class A and Class E householder permitted development rights) of previous permission 23/00505/S73.

Condition 9 states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no enlargement as set out in Class A, and no development under Class 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 the openness of the Green Belt.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the principle is acceptable, and design, and neighbour amenity.

Principle of Development

- 4.3.2 The site is in the Green Belt in the adopted Local Plan. Whether developments in the Green Belt are acceptable in principle will depend on whether they comply with the NPPF and Policy SP5 of the Local Plan, and if there are any other material considerations relevant.
- 4.3.3 The NPPF in paragraphs 154 and 155 sets out what development is not inappropriate in the Green Belt, stating:

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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) 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;*
- 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, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

4.3.4 The site is considered to be previously developed land (PDL), where under 154 g) the redevelopment of PDL should not have a greater impact on the openness of the Green Belt than the existing development.

4.3.5 The dwelling approved under original application 23/00505/S73 was assessed in the Green Belt section of that officer report as:

4.3.6 The amendments to the dwelling approved by permission 22/00172/FP would result in the dwelling and its roof slopes remaining a similar height to that approval. The new gable ends proposed would add bulk and volume. The size of the dwelling now proposed would however be smaller than that refused by 22/02627/S73 due to the eaves heights remaining similar to 22/00172/FP.

4.3.7 The amended dwelling now proposed is considered closer in size and volume to that approved by 22/00172/FP than that refused by 22/02627/S73; and does not appear noticeably larger than the first 2022 permission, in contrast to the refused plans of 22/02627/S73.

4.3.8 On the basis of the above, the proposed variation of the plans approved by 22/00172/FP is considered to be sufficiently comparable to those plans to remain compliant with Green Belt Policy, being paragraph 149 g) of the NPPF, and Local Plan Policy SP5. The proposal is considered acceptable in principle.

- 4.3.6 That S73 approval was a variation of planning permission 22/00172/FP, with the officer report of that application stating in the Green Belt principle section:

4.3.6 The dwelling approved by that 2020 permission was a modest bungalow, that was considered to be approx. 50% larger in floor space and footprint, and 60% larger in volume, than the existing buildings and plant.

4.3.7 The dwelling now proposed would be larger in footprint, floorspace and volume than that approved by 20/01168/FP. The footprint, floorspace, height and volume of the dwelling now proposed would however be clearly smaller than that of refused application 21/01300/FP.

4.3.8 The dwelling now proposed would be more of a chalet bungalow design, with much of its first floor space within its roof. Compared to the existing buildings and structures on the site, I consider the footprint of the dwelling comparable to them. The proposed dwelling would however have a floorspace, height and volume that would be greater.

- 4.3.7 Application 22/02627/S73 is referred to in the above quotes, which was dismissed at appeal, with the Inspector upholding both reasons for refusal of that decision, with key paragraphs being:

9. However, despite being set back from its frontage, the proposed dwelling would be clearly visible from the road, between the existing properties to either side, and from along the Public Right of Way that runs alongside the eastern boundary of the appeal site. Given the overall scale of the proposed dwelling, being higher than any of the existing buildings on the site, in combination with the bulk and massing of the revised dwelling design, I consider that visually, the proposal would have a greater impact on openness than the existing development.

10. I accept that the activity at the site and the amount of vehicular movements would reduce as a result of the change to one residential property, compared with the previous commercial use of the site. However, in my view, the change in activity at the site would not compensate for the overall amount of additional built form in terms of the scale, bulk and massing and its impact on openness.

11. The proposed revised design would therefore not accord with paragraph 149 g) of the Framework and would constitute inappropriate development within the Green Belt. It would be harmful to the Green Belt, which in accordance with paragraph 148 of the Framework, should be given substantial weight. In this regard the proposal would also be contrary to LP Policy SP5 as set out above.

- 4.3.8 Class A and Class E permitted development rights of Part 1 of Schedule 2 to the 2015 GPDO were not removed by planning permission 20/01168/FP, but were removed by subsequent planning permissions 22/00172/FP and 23/00505/S73, with the reasoning for both Conditions being the same and including in the interests of the openness of the Green Belt.

- 4.3.9 Class A permitted development rights, given the approved siting of the dwelling under 23/00505/S73, would allow for side and rear extensions to be constructed without planning permission, which could include an 8m deep single storey rear extension or a 3m deep two storey rear extension, in addition to single storey side extensions on each side. Class E permitted development rights would allow incidental outbuildings to be built without needing planning permission, which could potentially be large and would also be able to be accommodated within the site given its larger area.
- 4.3.10 Removing Condition 9 would therefore potentially enable the dwelling approved under 23/00505/S73 to substantially exceed the size of the dwelling refused at appeal under 22/02627/S73, which was considered inappropriate development by the Planning Inspector at appeal.
- 4.3.11 On this basis, due to potential future harm to the openness of the Green Belt, it is not considered that there is a basis to remove Condition 9 of planning permission 23/00505/S73. The proposal does not comply with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Design

- 4.3.12 The other reason for Condition 9 is for the LPA to retain control over development in the interests of the character and amenity of the area.
- 4.3.13 As stated above, removing Class A and Class E permitted development rights could allow for the approved dwelling after its completion and occupation, to be substantially larger than was approved.
- 4.3.14 Class A and Class E permitted development rights presently permit extensions and outbuildings to the side and rear of a dwelling, with only minor alterations to the front of a dwelling permitted (e.g. new or replacement windows).
- 4.3.15 Due to the siting of the approved dwelling being relatively far back from the front of the site, and the limited visibility it would have due to this siting and also screening by vegetation etc., it is considered that the impacts of extensions and outbuildings on the locality would be limited, therefore allowing Class A and Class E permitted development rights are not considered harmful to the character and amenity of the area. The proposal complies with Policy D1 of the Local Plan.

Impacts on Neighbouring Properties

- 4.3.16 Due to the siting of the approved dwelling being sufficiently far from the closest dwellings, it is not considered that utilising Class A and Class E permitted development rights would harm amenity. Impacts on amenity are therefore acceptable. The proposal complies with Policy D3 of the Local Plan.

4.4 Conclusion

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **REFUSED**.

5.0 Recommendation

5.1 That planning permission be **REFUSED** for the following reason:

1. The removal of Condition 9 of planning permission 23/00505/S73 would allow for the construction of outbuildings and extensions within the application site. This could result in development within the Green Belt that could be inappropriate and result in harmful loss of openness. It is therefore considered that Condition 9 is justified in order to allow the Local Planning Authority to assess possible future development within the Green Belt through the submission of a planning application. The application for the removal of Condition 9 from planning permission 23/00505/S73 is considered to fail to comply with the provisions set out within Policy SP5 of the adopted Local Plan; and Section 13 of the National Planning Policy Framework.

Biodiversity Net Gain

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 refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 8 October 2024	