

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00752/PIP	Erection of up to three dwellings	Land Adjacent To Model Farm Village Street Hexton Hitchin Hertfordshire SG5 3JE

Submitted Plan Nos

2518-APP-03-A

SP1 Sustainable development in North Herts

SP2 Settlement Hierarchy and Spatial Distrib

SP6 Sustainable transport

SP8 Housing

SP11 Natural resources and sustainability

SP12 Green infrastructure, landscape and biod

D1 Sustainable design

D3 Protecting living conditions

NE2 Landscape

NE4 Biodiversity and geological sites

HE1 Designated heritage assets

HE4 Archaeology

T1 Assessment of transport matters

T2 Parking

HS3 Housing mix

2.0 **Relevant Planning History**

2.1 Relevant to the southern part of the site:

22/02775/FP - Erection of two attached 4-bed dwellings following demolition of existing barns together with associated car parking, detached car barn and relocated vehicular access. CP 27/02/2023. This has been built.

3.0 **Representations**

3.1 A site noticed was posted on site and neighbour consultation carried out. 10 comments have been received included 9 objections and 1 in support.

Objections (summarised):

- Loss of walnut trees.
- Proposed new access will be impractical and dangerous for road users and pedestrians.
- Conflict with on street parking with other uses in village.
- Will make the parking problem worse.
- Houses should be built in sympathy with houses that surround them in the Conservation Area.
- Over development of Hexton will effect drainage in Mill Lane.
- No visible site notice.

Support (summarised):

- Supports the housing but not the loss of the walnut trees.

Consultee responses:

- Area Highway Development Control Manager – does not wish to restrict the grant of permission.
- Env Health (Contaminated Land) – no objection in principle.
 - Further application would required phased report for land contamination assessment.
- Env Health (Noise And Other Nuisances) – no concerns over noise and make no comment.
- Env Health (Air Quality) – no objection in principle.
- Waste And Recycling Services Manager – *“Please advise applicant that bins will need to be presented kerbside as per domestic collections.”*
- Natural, Historic And Built Environment – archaeology:
 - *“The site is within an Area of Archaeological Significance identified in the Local Plan. The Historic Environment Record notes that Hexton is noted in Domesday Book as Hegestanestone and is thought to mean Heahstan's farm. With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest.”*
 - Archaeological evaluation would be required prior to commencement of any development.
- NHDC Tree Officer:
 - *“I have no arboricultural objections to the proposed development however the site is located within a Conservation Area and it appears that some tree removal may be proposed. The LPA would not support the removal of moderate or high quality trees without good reason. Any retained trees on site are also likely to be within influencing distance of the proposed development and could be negatively impacted by construction works.”*
 - *“As part of any full planning application, I recommend the submission of a landscaping scheme and management plan, which should include a comprehensive variety of tree species to compliment the development in addition to details of planting preparation, planting method and aftercare for long-term maintenance and to ensure successful establishment.”*
- Hexton Parish Council – no comment at the time of writing this report.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site lies within the defined settlement boundary of Hexton, a Category A village. It also lies within the Hexton Conservation Area and the Chilterns National Landscape Area.

- 4.1.2 The site lies on the eastern side of Mill Lane in the village of Hexton. It is a rectangular parcel of mostly undeveloped grassland. It is bounded to the south and includes part of a new development of two dwellings. It is bounded to the east by vegetation with the Hexton Manor Registered Park and Garden beyond, the north by vegetation with Hexton Village Hall beyond and by the road to the west. There are five mature walnut trees close to the site's frontage.
- 4.1.3 The surrounding area is characterised by residential uses including terraced and semi detached dwellings set back from the road, village hall and public house. Spacing between built forms is an important feature of the locality and serves to maintain the rural character of the village.
- 4.1.4 The extent of the red line area on the site location plan is misleading. The red line boundary includes a substantial area at the southern end of the site that is in fact part of the recent development for two dwellings (22/02775/FP) that has been developed. The red line area includes garden areas, a substantial car port, access and driveway connected to the new development. The applicant has stated that this area of land has been included in the red line area of the current application as this provides the current access to the application site. It is not clear how access could be gained to the grassed area as a post and rail fence runs along the edge of the grassed area and the driveway of the new development. This area of land which includes part of the garden, the driveway and car port is required to access the new development built under 22/02775/FP and could not be incorporated into the current application scheme without adverse impact on the existing new development resulting in loss of access, loss of amenity space and loss of parking.
- 4.1.5 Whilst misleading, the red line can be drawn around any area of land and the plan is therefore valid.

4.2 **Proposal**

- 4.2.1 Consent is sought for:

"Erection of up to three dwellings".

- 4.2.2 Access is proposed from Village Street at the north of the site.

4.3 **Key Issues**

- 4.3.1 Planning Practice Guidance (PPG) explains that permission in principle is an alternative way of obtaining planning permission for housing led development as part of a two-stage procedure. Permission in principle applications involve two stages. Stage 1 ('permission in principle stage'), is limited to the consideration of location, land use and the amount of development. In the event of an approval, the remaining matters would be considered in a technical details application (Stage 2) (i.e. the 'technical details consent').
- 4.3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals and permission in principle, must be determined in

accordance with the development plan, unless material considerations indicate otherwise. This application is a Stage 1 Permission in Principle application therefore matters for consideration are limited to location, land use and the amount of development.

Location

- 4.3.3 The site is located within the defined settlement boundary of Hexton, which is a Category A village as identified in the Local Plan. Local Plan Policy SP2 states that in Category A villages, general development will be allowed within the defined settlement boundaries.
- 4.3.4 The site is at present an undeveloped grassed area within the Conservation Area. Consideration needs to be given to the acceptability of the principle of the loss of the open area on the character and appearance on the designated heritage asset that is the Conservation Area. NHDC Conservation Team was consulted as part of the assessment of this application. The consultation response states that:

"I see no justification for resisting development on this site."

- 4.3.5 The principle of development in this location is therefore not resisted on heritage grounds.
- 4.3.6 The site is therefore considered sustainable and appropriate for development, in accordance with Local Plan Policy SP2.

Land Use

- 4.3.7 Local Plan Policy SP2 states that in Category A villages, general development will be allowed within the defined settlement boundaries. Residential development would therefore be supported in principle within the defined village boundary.
- 4.3.8 Whilst the council is unable to demonstrate a five-year housing land supply, this does not automatically engage the tilted balance argument due to the site's location within the Conservation Area. The presumption in favour of sustainable development does *not* apply if specific policies protecting assets of particular importance (like Conservation Areas) provide a clear reason to refuse the application. As detailed above, residential development is acceptable *in principle* on the site in heritage terms.
- 4.3.9 The site is a sustainable location within walking distance of village amenities and bus routes and within a defined settlement boundary in a category A village. Residential use is therefore supported in principle.

Amount of Development

- 4.3.10 This Permission in Principle application is asking the LPA whether up to 3 dwellings in this location is an acceptable amount of development.

- 4.3.11 The amount of development that would be appropriate on the site is determined by the potential impact of the dwellings on the character and appearance of the Conservation Area and any potential harm arising from the development.
- 4.3.12 An assessment of this has been provided in the consultation comments provided by NHDC Conservation Team. The points relevant to amount of development are set out below:
- *“In my opinion whilst there is a case for perhaps supporting some development, I am unconvinced by the case for ‘up to three’ as this may be considered an over intensive use of the site.”*
 - *“As the scheme stands it is considered that development of up to three will occasion less than substantial harm to the character and appearance of the Hexton Conservation Area thereby failing to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.”*
 - *“I see no justification for resisting development on this site. For me, the question is how much development? I am unconvinced that the site can receive 2no. x 3-beds and 1no. x 4-bed without impacting upon the site’s contribution to the character of this rural settlement. However, a modest and well-designed terrace of let’s say 2-bed units may be feasible. Alternatively, if taking into account, my point that the site is actually smaller than the red line indicates and the fact that spacing between built forms serves to maintain the rural character of the village, I am minded to say that a pair of well-designed dwellings might also be feasible (if indeed development is supported in planning terms).”*
 - *“I am concerned that for any new build to meld with its surroundings it should read as being of a similar height as existing terraced or semi-detached dwellings in the vicinity or displaying only a slight difference in height. I am concerned that building to current Building Regulation standards may result in dwellings much larger than the estate-norm.”*
- 4.3.13 Given that the amount of development on site would be guided by the potential impact on the Conservation Area, the heritage comments above provide the guidance on the acceptable amount that could be supported on the site.
- 4.1.14 The red line area on the submitted plans is misleading in terms of the actual size of the site available for development. Based on the comments above from the conservation team, it is considered that **only up to two modest sized dwellings** would be supportable on the site in principle.
- 4.1.15 However, this would be subject to meeting the following requirements:

- Siting, scale and design – The scale and siting of any dwellings on this site would need to relate sympathetically with the character and appearance of the Conservation Area and the rural locality and be of an appropriate scale and design. Note should be taken of the conservation response regarding the size and height of any dwellings proposed, benchmarking heights with nearby estate dwellings. If such heights cannot be accommodated due to modern building regulations, then two storey dwellings may not be supportable on the site due to unacceptable harm to the character and appearance of the Conservation Area and rural nature of the locality. Spacing between built form is an important characteristic of the village and should be incorporated into any future design. Careful consideration would also need to be given to materials used.
- Impact on neighbour amenity – consideration would need to be given to the impact of any dwellings on this site on neighbouring amenity where relevant.
- Amenity of future occupiers including outdoor amenity space – based on the conservation comments above, dwellings on the site would need to be modest in order to be acceptable in heritage terms. The size and design of the dwellings, including good quality outdoor amenity space must be provided.
- Retention of trees – 5 mature walnut trees front the site. The LPA would want to see these trees retained and protected as part of a stage 2 application unless convincing justification for their loss was presented.
- Ecology and BNG – loss of the grassland would result in loss of biodiversity. This would need to be addressed.
- Parking provision to meet standards – although illustrative, the site plan submitted shows parking at the rear of the dwellings with inadequate turning space. This would need to be addressed.
- Access – this would be assessed as a formal consultation of Herts County Highways.
- Bins storage and collection – details would need to be provided.
- Bike storage - details would need to be provided.

4.1.16 In conclusion, **up to 2 modest dwellings** could be supported on the site in principle. However, it would need to be demonstrated that 2 dwellings would not cause unacceptable harm to the character and appearance of the Conservation Area or the rural characteristics of the village. The siting and design of the dwellings would need to robustly demonstrate that the above points are met.

Other matters

4.1.17 Matters such as vehicular and pedestrian access, parking, scale, design and appearance, landscaping, relationship with neighbours and environmental matters such as land

contamination, flood risk and ecological issues would be considered at the technical details stage should if a further application was made.

Objections Received

4.1.18 A number of objection were received to the application. These are addressed below:

- *Loss of walnut trees* – the applicant has confirmed that the walnut trees are to be retained. The site layout plan is illustrative only. Point addressed above.
- *Proposed new access and parking* – the PIP application is for the location, land use and amount of development only. Further details including access and parking would be assessed at a stage 2 technical details application stage. Any matters concerning highway safety would be assessed as part of the statutory consultation process with Herts Council Highways.
- *Houses should be built in sympathy with houses that surround them* - the PIP application is for the location, land use and amount of development only. Further details including siting and design would be assessed at a stage 2 technical details application stage.
- *Over development of Hexton will effect drainage in Mill Lane* – this would be considered at the stage 2 technical details application stage.
- *No visible site notice* – a site notice was displayed on site in accordance with the statutory duty of the local planning authority. Following concerns that no notice was posted, a second notice was posted in response to the concerns raised. The posting of the second site notice was only in response to concerns raised and not because correct procedures were not carried out. The council has undertaken its statutory duty in putting a site notice up. If that notice is removed, the local planning authority is not required to repost it.

Support (summarised):

- Supports the housing but not the loss of the walnut trees.

4.4 **Conclusion**

4.4.1 The proposed development in principle for **no more than 2 dwellings** is in accordance with the policies of the Local Plan and the NPPF and is acceptable in terms of the location of development, the proposed land use and the amount of development.

4.5 **Alternative Options**

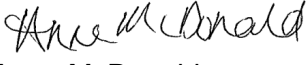
4.5.1 None applicable

5.0 **Recommendation**

5.0.1 That planning permission be GRANTED.

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.

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