

Dear Sirs

L/A 1 Caldecote Road Newnham North Herts

Herewith my Written Representations appeal against North Herts Council's decision to refuse planning permission for a single dwelling.

I schedule below relevant information and documentation related to this appeal:

1.0 INTRODUCTION

- 1.1 The applicant / appellant is Mr Alex Farr, Newnham Manor, Newnham, SG7 5LA.
- 1.2 I am the agent; Colin Eades, Rose Cottage, High Street, Gosmore, Hitchin, Hertfordshire, SG4 7QQ. colinwkeades@gmail.com 0789 992 8083.
- 1.3 The full application was made to North Herts Council 11/11/2025, LPA reference 25/02627/FP – copy attached. **APP 1**
- 1.4 The proposal was for a single detached dwelling on land to the side of the rental property, owned by the applicant, 1 Caldecote Road, Newnham which serves as vestigial, surplus land.
- 1.5 The proposed dwelling is for open market rental or farm worker's occupation.
- 1.6 The application was refused 23/02/2026 – copy attached. **APP 2**
- 1.7 The Refusal Notice cites only a single reason for refusal, namely:

1. *NO. 1 Caldecote Road has a relatively large and elongated side garden which is an important, positive contributor to the character and appearance of the Conservation Area. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character. A dwelling would not enhance or better reveal the significance of the CA. The principle of a dwelling on this site would fail to preserve or enhance the character or appearance of the Newnham Conservation Area. The proposed dwelling would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local plan 2011-2031. The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not outweighed by public benefits of the development.*

- 1.8 This appeal addresses the reason for refusal in later text.
- 1.9 The application was made without the benefit of pre-application advice. However, sufficient guidance had been given by way of previous planning and appeal decisions together with a significant change to National Planning Policy.
- 1.10 It is essential to note that the starting point is that the principle of residential development on this site is concluded to be acceptable with Newnham being a Category B village that allows modest infill residential development that does not expand the settlement envelope.
- 1.11 The Officer's Delegated Report will be analysed in greater detail in the text below, generally in order – copy Delegated Report attached.

APP 3

2.0 OFFICER'S DELEGATED REPORT 23/02/2026 (including Conservation Team Consultation Response)

Planning History

- 2.1 It is acknowledged that there have been two previous applications that have been refused. Application ref: 21/02890/FP and 22/00606/FP.
- 2.2 It is likewise acknowledged that the 2022 application was taken to appeal – APP/X1925/W/22/3307499 and was dismissed.
- 2.3 The common reasons for NHC refusing both applications focus on the effect on the Conservation Area and its loose-knit verdant character together with being of an unsympathetic design. Potential overlooking was also cited in respect of application 21/02890/FP.
- 2.4 Whilst changes to National Policy prompted the third application, now subject of this appeal, not requiring over-scrutiny of the refusal reasons, they are nevertheless briefly addressed.
- 2.5 The principle of residential development on this site is supported by local policy. As outlined in the introduction, Newnham is a Category B village in which modest, small-scale infill residential development is acceptable subject to not expanding the village envelope.

It is inarguable that the proposal meets all these criteria with the benefit of providing modest organic increase of housing provision in the village, adding to the community's

vitality and viability. This has clearly been endorsed by the Council granting planning permissions, over the years, for residential development in the village inter alia – L/A Coker Cottage; L/A Lodge Cottage; Spring Cottage and 9-12 The Green. This shows the LPA's acceptance of this type of infill residential development.

- With regard to design, it has been agreed in the planning application submission that the previous proposals did fail to impress and fell short of what could be, albeit subjectively, deemed acceptable. This has clearly been addressed with these appeal proposals and will be confirmed separately.
- The settlement's verdant character is a less than accurate description of Newnham, and this can be corroborated by a site visit and or Google Streetview. Whilst there are gaps created by oversized gardens, these have largely been infilled and Newnham is best described as a linear settlement. This has already been altered by virtue of the recent developments scheduled above, all infilling between properties, part closing off areas of openness. One of the main erosions of openness in this corner of the village is the development on the Council's own land, 9–12 The Green, the Council having benefitted from the sale of the land to developers, Northerns. Ironically, this parcel of land was historically owned by the applicant's family and transferred to North Herts council in a land exchange.

Representations

- 3.1 Objections raised from 9, 10, 11 and 12 The Green was clearly an orchestrated exercise and raised no legitimate concerns, neglecting to recognise that each of the objections raised equally applied to the properties that they enjoyed as their homes.
- 3.2 Highways – no objection.
- 3.3 Environmental health – no objection.
- 3.4 Ecology – no objection.
- 3.5 Waste and recycling – no communication received, however with the requisite haul distances comfortably achieved, there can be no objection.
- 3.6 Parish Council – provides a weak objection. The addition of a single dwelling which could house an agricultural worker will have a negligible effect. Moreover, the opportunity for any further similar development, without outward expansion, is very low.

Affinity Water (mains water) and Anglia Water (sewerage) would have raised concern if this was in fact an issue.

I am uncertain as to the meaning of the reference to communications and transport links. A single dwelling would have unnoticeable effect.

The open character has already been dealt with above.

3.7 Archaeology – no objection.

3.8 Bedfordshire and River Ivel IDB – no objection.

3.9 Conservation – The Conservation Officer's report will be dealt with separately, especially as there are key elements within that document, essential to our case.

Planning Considerations

4.1 Site and surroundings

4.1.1 Matters of fact

4.2 Proposal

4.2.1/2 Matters of fact

4.3 Key issues

4.3.1 Agreed, although "Other Matters" is very open ended.

4.3.2 Matters of fact and confirms the Category B status of Newnham.

4.3.3 Compliance with Policy SP2 and CGB1 and the acceptability of a dwelling in this specific location.

4.3.4 Explores the definition of Previously Developed Land (PDL) but erroneously refers to the site as residential garden which it is not. It is a plot of land owned by the applicant, totally separate from 1 Caldecote Road and not part of their garden or amenity area.

4.3.5 Confirms, as had been asserted, that there was a terrace of buildings on the site which included the village Post Office. The building was lost in a fire and never rebuilt. This emphasises this being a separate plot.

4.3.6 Further explores whether the subject site meets the criteria for PDL and concludes "This site is very clearly in the countryside in the Rural Area beyond the Green Belt and as such, **it is considered as PDL**". The Delegated File Note goes on to state ", "There is a general thrust in the NPPF which seeks to deliver

development as PDL and, as such, **substantial** weight is given to this matter albeit the NPPF confirms that it should not be assumed that the whole (typo in File Note) of the curtilage should be developed". The proposal does not seek to develop the whole of the curtilage.

Adding further weight is the emerging NPPF 26 which recently finished its consultation period, and under Housing Delivery states that there is a call to "strengthen support for rural housing".

Paragraph 4.3.6 does quite rightly conclude that whilst PDL provides substantial weight, other matters, such as the impact on the Conservation Area, must be given consideration. The Conservation Officers' conclusions on this matter will similarly be addressed with counter evidence.

- 4.3.7 The Council's inability to meet its five year housing land supply also adds weight in favour of granting permission, even for a modest single dwelling.

Again, the reasons for not accepting this argument will receive a rebuttal.

- 4.3.8 Statement of fact, but raises the issue of whether the effect on the Conservation Area outweighs the probable benefit were "less than substantial harm" is occasioned.

And it is this level of harm which becomes an overarching factor when considering this specific proposal. "Less than substantial harm" is the LPA's declared conclusion. However, for PDL to kick in "substantial harm" is the bar set to preclude development, and this is an exceedingly high bar and clearly acknowledged not to be the case here. Under NPPF26 "Proposed changes to Heritage Assets" – The categories of harm have simply been rebadged to read, harm, substantial harm and total loss. Substantial harm remains the higher level over harm (currently less than substantial harm).

- 4.3.9 Statement of fact, but here, not the overriding criteria.

- 4.3.10 The prominence of the site is conjecture, being masked from view by a mature belt of trees and the development 9-12 The Green. This is corroborated by the appeal Inspector's remark quoted in 4.3.11. Additionally, this part of Newnham is the least trafficked with only sporadic vehicular or foot movements, limiting public enjoyment. It is suggested that this belt of trees and wedge of grass is the real visual asset in this corner of the village.

- 4.3.11 It is not entirely true to say that the characteristic of Caldecote Road is one of substantial properties in spacious plots. In fact predominantly on the West side of the road there are substantial commercial buildings and Newnham Manor almost hard to the highway, with no perception of spacious plots whatsoever.

However, this has little relevance when NPPF24 is entered into the equation and only “less than substantial harm” is occasioned.

- 4.3.12 The previous applications were also correctly criticised for poor design and relationship to the neighbouring property. This has been fully overcome by the current proposals, and not being a reason for refusal, is therefore not an issue to be debated at appeal.
- 4.3.13 Conservation Officer’s resistance to development of this site is noted, however simply as a result of NPPF24 setting substantial harm as the level of harm where resistance would be justified, the rules having changed. This is not a matter of my opinion but a matter of fact and endorsed from other Planning Authorities.

NPPF is not open to individual authority interpretation and in the context of planning policy in England (NPPF), **substantial harm** is the threshold that causes a proposal to be refused particularly regarding designated heritage assets – in this case Conservation Area.

- 4.3.14 Conservation comments with regard the design are appreciated. Harm is already addressed.

Comments on views from North and South are unclear and perhaps what is being said is that when approached from the North, the view of the dwelling part masked behind 1 and 2 Caldecote Road might be acceptable, but not from the South. As already pointed out, the view from the South, by the few that would travel that route, is dominated by the recent development of 9-12 The Green on the right and the belt of trees directly masking the site to the South.

Less than substantial harm has already been addressed comprehensively.

- 4.3.15 Nothing to add, as fundamentally each paragraph from Conservation replicates the others. However, it is interesting and at the same time frustrating to note that the Conservation Officer, in his Consultation Application Response makes no reference to PDL whatsoever, leaving it to the Case Officer to address this and already dealt with in 4.3.4 and 4.3.6. And, within these two points, whilst initially emphasising that a residential garden would be precluded from PDL, in paragraph 4.3.6 overturns that presumption with Case Law and argues that PDL does apply in this rural location. Moreover, as already noted, this parcel of land is separate from the amenity land to 1 Caldecote Road, and was always a separate plot, accommodating a row of cottages including the village Post Office.

- 4.3.16 Whilst it is noted that the Planning Officer supports the Conservation Officer's resistance to the proposals, unfortunately this is based on the same flawed reasoning without factoring in NPPF24 on PDL/Grey Belt, nor emerging NPPF26.
- 4.3.17 – Statement of fact.
- 4.3.18 – Supports the application in design terms, removing this previous, in my opinion, legitimate reason for refusal.
- 4.3.19 Repeats previous comments on design and the effect on the Conservation Area.
- 4.3.20 – Statement of fact.
- 4.3.21 – This statement is incorrect. The site is NOT the extended garden of No. 1 Caldecote Road. It is, as already stated, a parcel of land, separated from the amenity area of 1 Caldecote Road, although under the same ownership.
- 4.3.22 – Confirms appropriate and acceptable siting of the proposal dwelling but incorrectly refers to 1 Caldecote Road as being the host house. As noted above 1 Caldecote Road and its garden/amenity area in 4.3.6 this is of no relevance with regard to PDL. Either case supports planning permission on the grounds of PDL.
- 4.3.23 – Supports that there would be no unacceptable effect on neighbouring properties.
- 4.3.24 – As above.
- 4.3.25 – Supports the design standards adapted for the proposed dwelling.
- 4.3.26 – No Highways objection.
- 4.3.27 – No Highways objection.
- 4.3.28 – No BNG objections.
- 4.3.29 – Statement of fact.
- 4.3.30 – Although the economic benefits are modest and given only modest weight, they are nevertheless positive and should be factored in to the decision making process.

- 4.4.1 As with 4.3.30, whilst the contribution towards the Council's five year housing supply is limited, it nevertheless makes a contribution and it is suggested compatible with the size of the existing community. A significantly greater provision would be wholly inappropriate in this location.

All other matters have already been comprehensively covered in the foregoing text.

Conservation Team Consultation

- No further comment is made, as covered comprehensively above, other than to reinforce that there was no reference whatsoever with regard to PDL. This is regretful, noting that this was the prime driver in submitting a planning application against the background of refusals.

3.0 CONCLUSION

- 3.1 The site lies firmly within the built core of a Category B village that provides a presumption in favour of limited infill development that does not result in the outward expansion of the village.

The appeal proposal is fully compliant.

- 3.2 Accordingly, the principle is deemed acceptable.

- 3.3 The Council cannot meet its 5 year housing land supply.

- 3.4 The residual issue is design, in its broadest terms, and the effect on any heritage asset, in this case the Conservation Area.

- 3.5 The Council has stated that the design is acceptable on all counts.

- 3.6 This leaves the effect on the Conservation Area, which effectively is the sole reason for refusal.

- 3.7 Whilst this is highly subjective, this was consistent with the Council's previous decision making.

3.8 However, this ignores the change in National Planning Policy Framework of December 2024 with regard to previously developed land. The draft NPPF26 has a neutral effect on this policy other than to strengthen support for rural housing.

3.9 In this respect the following must be given consideration in the decision making process.

- The Council confirms that the site had previously been occupied by a terrace of buildings including the village Post Office and that it therefore constituted PDL.
- Under PDL, even after the buildings are demolished, unless the site had been actively developed for a new use, the site would be compliant. The site has not been actively developed.
- Under PDL there is no specific timeline for the loss of the building after demolition, and the site retains its PDL status until new construction is substantially underway. Although the specific date for the demolition is not known with any certainty, this has no relevance.
- Under PDL a high bar of “substantial harm” is set before refusal is triggered. The cited reason for refusal is “less than substantial harm”, accordingly the refusal threshold is not reached by a significant degree.

3.10 In acknowledgement of all the above, the lack of due consideration for PDL resulted in a flawed decision.

3.11 Irrespective of previous planning and appeal decisions it is submitted that there are no longer any substantive planning reasons for not upholding this appeal.

4.0 PLANNING CONDITIONS AND OTHER MATTERS

4.1 It is acknowledged that the LPA will seek to impose conditions, should this appeal succeed, and it is confirmed that any reasonable conditions will be accepted.

4.2 I can confirm that an application for costs is not being made.

4.3 Your acknowledgement of this appeal together with reference and action timetable is awaited. In the meantime the Inspectorate is thanked for the opportunity to submit this appeal and look forward to progressing matters positively.

4.4 Attachments are separately scheduled.

Colin Eades ??/03/2026

SCHEDULE OF ATTACHED DOCUMENTS

APP 1 – Planning Application subject of this appeal ref. DC/25/02627/FP

APP 2 – LPA Refusal Notice 23/02/2026

APP 3 – Case officer’s Delegated Report and Conservation Report