

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00474/FP	Erection of one detached self-build dwelling and detached outbuilding to provide double garage and ancillary annexe including soft and hard landscaping, entrance gates and alterations to existing vehicular access.	Land South Of Flint House North End Kelshall Hertfordshire SG8 9SD

Submitted Plan Nos

2400880-ACE-01-00-DR-C-0001 25090 - 001 25090 - 010 25090 - 011 25090 - 012 25090 - 014

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
HE1	Designated heritage assets
SP2	Settlement Hierarchy and Spatial Distrib
T2	Parking
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 24/01611/FP - Erection of one detached 5-bed dwelling and detached double garage.

Conditional Permission.

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received.
- 3.2 **NHC Ecology** – **No objection.**
- 3.3 **Kelshall Parish Meeting** – No objection.
- 3.4 **Waste and Recycling** – None received.
- 3.5 **HCC Highways** – No objection subject to conditions.
- 3.6 **Environmental Health (combined)** - No objection subject to conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a small field located on the east side of North End, Kelshall. The site is located between two residential properties, Flint House to the north and Keys to the south, with an existing field gate access onto the highway. The site is relatively flat and benefits from several mature trees on the front and side boundaries. The site is located within the Rural Area beyond the Green Belt.

4.2 **Proposal**

- 4.2.1 The application seeks planning permission for the erection of one detached 5-bed dwelling and detached double garage.
- 4.2.2 The proposed dwelling would be cited in the centre of the plot, with the double garage located on the northern boundary in front of the proposed access road. The dwelling would be a sizable 3-bedroom property utilising black timber weatherboarding and natural slate roof tiles. It would benefit from a large rear, side and front garden area, bin and cycle storage and solar panels on the south facing roof slope. Access to the dwelling would be utilised by the existing field gate access on North End. All existing trees on the front and side boundaries are to be retained.
- 4.2.3 The dwelling would consist of study, snug, bathroom, kitchen/lounge/dining room, utility room and pantry at ground floor level. 3 bedrooms with ensembles and landing area at first floor. The proposed outbuilding would consist of a double garage, plant room and annex (bedroom, kitchen/ lounge and bathroom).
- 4.2.4 The dwelling is approx. 14m wide, 12m deep, 5m to eaves and 7.2m to ridge. The garage/annex is 6.9m wide, 16.5m deep, 2.6m to eaves and 4.4m to ridge.
- 4.2.5 The proposed materials are:

Walls – Red brick and black composite cladding.

Doors and Windows – Black aluminium

Roof – slate

4.2.4 The proposal is a resubmission of 24/01611/FP. The key differences are:

- ☐ Smaller front gable and large side gable.
- ☐ Front flat roof porch added.
- ☐ Brick to front gable.
- ☐ Larger outbuilding.

4.3 Key Issues

4.3.1 The key considerations are:

- ☐ The Principle of Development / Rural Area Beyond the Green Belt
- ☐ Design/Impact on the Character of the Area
- ☐ Impact on the Amenities of Neighbouring Properties/Future Occupiers
- ☐ Impact on Heritage Assets
- ☐ Ecology and Biodiversity Net Gain
- ☐ Highways and Parking
- ☐ Landscaping

Principle of Development – Rural Area Beyond the Green Belt

4.3.2 Under Policy SP2 and CGB1, Kelshall is defined as a 'Category B' village which is washed over by the Rural Area Beyond the Green Belt. Both policies states that "infilling development which does not extend the built core of the village will be allowed". The village does not have a defined settlement boundary; therefore, an objective assessment is required to determine the built core.

4.3.3 In my view, having considered the character of the village, there are small clusters of built form in Kelshall, located towards North End, the centre of the village around the junction, and on The Street. These clusters are, in the spirit of Policy SP2 and CGB1 of the Local Plan, considered to be the built core of Kelshall. The site is located immediately south of Flint House and north of Keys, both of which are residential properties. Furthermore, when you consider the location of the site from a bird's eye view, it appears to be an infill plot in the context of the two immediate neighbours. Therefore, in a village where built form is sporadic in nature, this site would be physically and visually related to existing properties on two sides in a linear fashion, which would dictate that it can be considered as an infill plot for the purposes of the Policies SP2 and CGB1 of the Local Plan.

4.3.4 The proposal is therefore considered acceptable in principle in the Rural area beyond the Green Belt, in line with Policies SP2 and CGB1 of the Local Plan.

Sustainability

4.3.5 The NPPF December 2023 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.

- 4.3.6 Regarding economic sustainability, the build process will provide for local jobs and will contribute to the local economy. Socially, friendships may form between new neighbours and residents can join in with local clubs and activities if they wish. The new house will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings and an energy efficient boiler and each house will be provided with EV parking provision secured by condition. Solar panels and an air source heat pump are included on the plans. On this basis, the development is considered to be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

Design/Impact on the Character of the Area

- 4.3.7 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.
- 4.3.9 Kelshall has a fairly rural character, consisting of rendered cottages, some thatched and a number of agrarian style barns. A number of brick dwellings can be found to the south of the site. The neighbouring dwelling to the south known as The Keys marks a departure in this character being two storey, brick built with a flat roof and a large amount of front glazing which in my view sets a precedent for this proposal.
- 4.3.10 The previously approved application under ref: 24/01611/FP sets a precedent for black composite cladding, I note that similar materials were also approved at Old Foxes under ref: 26/00500/FP to the south of the site.
- 4.3.11 On the whole, I consider that the dwelling has been designed to be fairly sympathetic to the rural character of Kelshall. Whilst the front flat roof and two storey glazing would warrant a departure from this character, I do consider that it would bring some architectural distinctiveness within street scene. Considering that the rest of the dwelling would be sympathetic in design, our current 5 Year Housing Land Supply, the glazing on the neighbour to the south, the fact the glazing is recessed and therefore only visible head on and the retained tree line along the front boundary of the site. On balance I find that the dwelling would be acceptable in design and appearance and would not have a detrimental effect on the street scene.
- 4.3.12 Although the proposed garage/annex outbuilding would have a significant depth, it would be set back into the site and would be largely screened by the proposed dwelling. A number of long agrarian barns can be found in Kelshall therefore I consider the proposal to be acceptable within the local context.
- 4.3.13 The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

Impact on Heritage Assets

- 4.3.14 The proposed dwelling would be sufficiently sited away from any designated Heritage assets, the closest being Foxhall and Foxhall Cottage to the South-West and South of the site. The proposal would not impact the setting of these Grade II Listed Buildings.

The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.15 Policy D1 of the Local Plan also requires that development proposals meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.
- 4.3.16 The proposed dwelling would be set sufficiently away from the boundaries of the site and further from its detached neighbours. The proposed garage / annex would be sited close to the northern boundary of the site. Whilst it would have a deep projection, it would have a modest eaves and ridge height and would not project beyond the neighbour's rear elevation. The dwelling would have one side window at first floor level which would face towards The Keys, however it would be oriented towards the bend in the road with an acute view of the neighbouring front garden. The ASHP would also be sufficiently set away from the closest neighbouring dwelling.
- 4.3.17 The proposed dwelling at approximately 219 sqm would comply with the minimum nationally described space standards for a 3 bedroom/6-person property (102 sqm), would have a suitable amount of private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.
- 4.3.18 With regards to the 1 bedroom annex, a condition is recommended to ensure that the annex remains ancillary to the use of the main dwellinghouse which will also ensure that the property remains in single family use in the interests of the amenities of adjacent residents.
- 4.3.19 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and would provide acceptable living conditions for future occupiers. This is in accordance with Policies D1 and D3 of the Local Plan.

Highways and Parking

- 4.3.20 The site would be accessed via the existing access. The Highway Authority have formally commented on this application, stating no objection with informatics. It is not considered that an additional dwelling in this location would have a significant material impact on traffic and highway safety in this area compared to the existing use of the site. The proposal provides adequate space to allow for vehicles to turn and exit the site in forward gear.
- 4.3.21 Highways have recommended 3 conditions relating to the access road.

- 4.3.22 The proposed dwelling would be served by sufficient vehicle and cycle parking to satisfy the requirements under Policy T2 of the Local Plan.

Bin Stores and Collection

- 4.3.23 It is considered that the proposal would have ample room to site the bins adjacent to the dwelling, the resident will be required to drag the bins to the end of the driveway for collection in line with the neighbouring dwellings.

Biodiversity and landscaping

- 4.3.24 The proposal would retain the existing screening around the periphery of the site. The proposed development is for a self-build dwelling, as per the BNG regulations, the development is therefore not bound to delivering at least 10% of BNG. Policy NE4 requires proposals to demonstrate measurable gains of BNG, and given the proposed planting, the development would result in some enhancement of ecological assets including swift boxes. The proposal complies with Policy NE2 of the Local Plan.

Other matters

- 4.3.25 Given the location of the dwelling within the Rural Area Beyond the Green Belt, a condition is recommended removing permitted development rights to prevent extensions to the dwellings, that may harm neighbouring residential amenity and to prevent large garden outbuildings from being constructed without the consideration of the LPA.
- 4.3.26 Although Environmental Health has requested a condition for an EV Charger. This is now a building regulation requirement, as such the doubling up of conditions would not be required.

4.4 Conclusion

- 4.4.1 The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated between 2.7 and 3.3 years' worth of supply – and therefore there is a potential presumption in favour of development as set out in Paragraph 11 of the NPPF. The benefit of one dwelling will make a minor contribution to the delivery of housing numbers in the District, which is a planning benefit, and the proposed scheme will have no harm on the amenity of the neighbouring occupiers. The benefits of the application are therefore considered to be in accordance with the aims of Section 12 of the NPPF and Local Plan policies T1, T2, D1, D3, and NE4. The application is recommended for conditional permission.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2026. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

4. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing number 2400880-ACE-01-00-DR-C-0001 shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number (2400880-ACE-01-00-DR-C-0001). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to first occupation of the development the access road shall be of a bound material for the first 5m into the site to prevent material spilling onto the road.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the dwelling / first dwelling hereby approved and retained on site thereafter. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

8. The development hereby approved shall be constructed in accordance with the Construction Environmental Management Plan dated 9 June 2026 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, AA, B, C and E of Part 1 (and any further new class that may be introduced by way of an update) 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 to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

10. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse hereby approved.

Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties and to comply with Policy HS6 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

1. 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 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.

Informative/s:

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 27 July 2026	