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TOWN PLANNING CONSULTANTS

Planning, Design and Access Statement & Heritage Statement

On behalf of Mr R. Berg

**PROPOSED ERECTION OF 1X INFILL DWELLING HOUSES AT LAND
ADJACENT TO 6 DRIVERS END LANE CODICOTE SG4 8TR**

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TABLE OF CONTENTS

1	THE SITE AND SURROUNDINGS	4
2	THE PROPOSED DEVELOPMENT	5
3	RELEVANT PLANNING HISTORY	5
4	PLANNING POLICY AND GUIDANCE.....	6
5	MAIN DETERMINING ISSUES	11
6	ANALYSIS.....	12
7	PLANNING BALANCE.....	24
8	HERITAGE STATEMENT	26

1 THE SITE AND SURROUNDINGS

- 1.1 The application site is known as land adjacent to No.6 Driver's End Lane, Codicote SG48TR. The site is located within the open countryside within Driver's End Lane.



2 THE PROPOSED DEVELOPMENT

2.1 The proposal is for the erection of 1 x infill residential dwelling houses.

3 RELEVANT PLANNING HISTORY

3.1 None relevant

4 PLANNING POLICY AND GUIDANCE

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the Development Plan is the North Hertfordshire Local Plan 2031.

Sustainable Development

Policy SP1: Sustainable development in North Hertfordshire

This Plan supports the principles of sustainable development within North Hertfordshire. We will:

- a) Maintain the role of key settlements within and adjoining the District as the main focus for housing, employment and new development making use of previously developed land where possible;
- b) Ensure the long-term vitality of the District's villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities;
- c) Grant planning permission for proposals that, individually or cumulatively:
 - i. deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan;
 - ii. create high-quality developments that respect and improve their surroundings and provide opportunities for healthy lifestyle choices;
 - iii. provide the necessary infrastructure required to support an increasing population;
 - iv. protect key elements of North Hertfordshire's environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment); and
 - v. secure any necessary mitigation measures that reduce the impact of development, including on climate change; and
- d) Support neighbourhood plans and other local planning initiatives where they are in general conformity with the strategic policies of this Local Plan.

Countryside and Green Belt

Policy SP5: Countryside and Green Belt

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We:

- a) Have conducted a comprehensive review of the Green Belt. Land has been removed from the Green Belt to:
 - i. enable strategic development at the locations referred to in Policies SP8 and SP3;
 - ii. enable local development around a number of the District's towns and villages; and
 - iii. define boundaries for villages referred to in Policy SP2 which fall within the Green Belt but were previously 'washed over' by this designation;
- b) Have provided new Green Belt to cover, in general terms, the area bounded by the Metropolitan Green Belt to the east, the Luton Green Belt to the west and the A505 Offley bypass to the north;
- c) Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated; and
- d) Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.

Policy SP9: Design and Sustainability

The Council considers good design to be a key aspect of sustainable development. We will:

- a) Support new development where it is well designed and located and responds positively to its local context;
- b) Require Strategic Masterplans to be produced for Strategic Housing Sites and other significant development. Significant development generally comprises residential development of 100 dwellings or more. Exceptionally, developments under 100 dwellings will be considered significant if there are site specific complexities and sensitivities that require a masterplan-led approach. In some circumstances a Strategic Masterplan may also be required to consider the cumulative impact of more than one site to support a co-ordinated and integrated approach to place-making and design.
- c) Require Strategic Masterplans and planning applications for Strategic Housing Sites and significant development to (as applicable):
 - i. create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character
 - ii. create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;
 - iii. provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrate with the wider built and natural environment and communities;
 - iv. plan for integrated and mixed-use communities with walkable locally accessible community, employment and retail facilities;
 - v. positively integrate with adjacent rural and urban communities and positively contribute to their character and the way the area functions, including addressing cumulative, cross boundary planning and infrastructure matters;
 - vi. create an accessible multi-functional green infrastructure network that provides:
 - a key structuring and functional place-making feature supporting healthy lifestyles, sport, play and recreation linking into the wider Green Infrastructure Network; and

National Planning Policy Framework (as amended) (“The Framework”)

- 4.2 Chapter 2 – Achieving sustainable development
- 4.3 Chapter 5 – Delivering a sufficient supply of homes
- 4.4 Chapter 6 – Building a strong, competitive economy
- 4.5 Chapter 8 – Promoting healthy and safe communities
- 4.6 Chapter 9 – Promoting sustainable transport
- 4.7 Chapter 11 – Making effective use of land
- 4.8 Chapter 12 – Achieving well-designed places
- 4.9 Chapter 13 – Green Belt

5 MAIN DETERMINING ISSUES

5.1 The main determining issues in this case are as follows:

- The principle of the proposed development;
- 5 year supply of housing
- Whether the proposal is inappropriate development within the Green Belt;
- Effect upon the landscape character;
- Sustainable Location
- Effect upon the living conditions of future occupiers and neighbouring properties and highway safety;
- Heritage
- Benefits VSC
- Planning Balance
- Heritage Statement

6 ANALYSIS

The principle of development

- 6.1 The application site is within the policy designation of open countryside. Within this policy designation, there is a presumption in favour of sustainable development that retains the rural character and appearance of the countryside. It is understood that the site is located outside a settlement policy area and therefore for the purposes of planning policy the site lies within Open Countryside. However, given the application site is surrounded by dwelling-houses, it is considered that residential use in this location could be an acceptable subject to meeting other Development Plan policies¹.

Whether the Council can demonstrate a 5-year supply of housing

- 6.2 According to the Council's housing land supply update survey. The Council's position is that it can demonstrate 3.9 years' supply of deliverable housing which is below the requirements to provide a 4 or 5-year supply of housing. Therefore Paragraph 11 of the Framework is in principle triggered. However, the site is located within Green Belt. Consequently, the mechanism which applies to Paragraph 11 varies depending on the circumstances. This matter will be dealt with in more detail and further in this section.

¹ An assessment of Paragraph 11 of the Framework will be made within the analysis section.

Whether the proposal would represent inappropriate development within the Green Belt

- 6.3 Notwithstanding the matter that the Council is unable to demonstrate 5-year supply of housing. Paragraph 154 of the Framework provides that the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception to this is Paragraph criterion e) 'limited infilling in villages'. The terms 'limited' and 'infilling' are not defined in the Framework. Additionally, the definitions are a matter of judgement.
- 6.4 Local Plan policy SP5 in effect relies on the National Framework for the mechanism to assess Green Belt development.
- 6.5 However, in Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195 (09 February 2015) it was found, amongst other things, that the Inspector was required to consider whether, as a matter of fact on the ground the site appeared to be in the village. Furthermore, it is advised the physical circumstances of the site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.
- 6.6 It is argued that the site which is located within Driver's End forms a village in its own right or in the alternative forms part and parcel of larger conurbation of Nup End which is considered to be within the village of Old Knebworth². There are gaps between built form; however, these gaps are not excessive in size, and it is considered that physically and visually the site forms a small settlement. On this basis the site meets the definition of village. The appeal set out in footnote 2, is an important consideration as it set out what constituted a village and furthermore, it sets out that infilling is rather more flexible than Councils normally define.
- 6.7 In terms of limited, the proposal is for 1 unit which it is considered limited. The site lays between No.6 and the former farmhouse known as Troopers. It is accepted that there is a gap between the dwellings; however, additional dwellings could have been proposed to fill the gap whilst remaining within the scope of 'limited' similar to the appeal decision set out in Footnote 1.

² PINS APP/X1925/W/21/3274409 – Item 1 & 2

- 6.8 Overall it is considered that the development would be considered limited infilling in a village and would therefore comply with objective and exceptions of Green Belt policy. This approach is consistent with a scheme set out in Footnote 2 of this statement.

Paragraph 11 of the Framework

- 6.9 The Applicant contends that the proposal represents an exception of Green Belt policy and so the tilted balance set out in paragraph 11 of the Framework in relation to Green Belt policy is not so material. However, if the Council consider the proposal to be inappropriate development, then the following approach applies.

Weight to be afforded to the most important policies

- 6.10 As the Council cannot demonstrate a five-year supply of deliverable housing sites, and by virtue of its housing delivery test results, footnote 8 of paragraph 11 (d) of the NPPF deems the most important policies for determining the application out-of-date. However, the saved policies remain development plan policies until any emerging local plan is adopted and, whilst the policies are deemed to be out of date, an assessment still needs to be made of the weight to attach to these policies.
- 6.11 The NPPF states that: *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 6.12 Given an assessment of the policies, it is considered that they are overall consistent with the Framework.

Operation of paragraph 11(d) of the NPPF

- 6.13 Since the most important policies for determining the application are out-of-date, it is necessary to consider the effect of paragraph 11(d) of the NPPF. This states as follows:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 6.14 With regard to 11d(i) we are referred to footnote 7 for guidance, and it notes that inter alia: *“The policies referred to are those in this Framework (rather than those in development plans) relating to: [...] land designated as Green Belt [...].”*

- 6.15 As such, when considering planning decisions relating to land in the Green Belt it is necessary to first determine whether Green Belt policies in the Framework provide a clear reason for refusal under paragraph 11(d)(i). If they do, the application is not assessed against the tilted balance in paragraph 11(d)(ii) of the Framework.

- 6.16 If the proposal is considered inappropriate development in the Green Belt, that turns on whether Very Special Circumstances exist to justify such development in accordance with the Framework.

- 6.17 If there are such VSC, there is no “clear reason for refusal” under paragraph 11(d)(i) of the NPPF and (by definition) the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, assessed against the NPPF. Further, and in any event, the development will comply with the development plan taken as a whole, since it would comply with the Development Plan policies. On either basis, planning permission should be granted.
- 6.18 On the other hand, if VSC do not exist, the proposal would be contrary to those same policies, and contrary to the development plan taken as a whole. Further, paragraph 11(d)(i) of the NPPF would operate to provide a clear reason for refusal under the NPPF. In those circumstances, permission should be refused.
- 6.19 As such, the balancing exercise of the Framework would be determinative of the outcome of the application.

Approach to the Green Belt under the NPPF

- 6.20 In terms of Green Belt, the NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.21 The Framework sets out the five purposes of the Green Belt
- 6.22 The Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. It is common ground between the parties that the Appeal Proposal is inappropriate development. The Appellant’s case is that VSC exists by other considerations that clearly outweigh inappropriateness, and any other harm

resulting from the proposal. As set out in the Framework VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.23 It is not necessary for each consideration relied on to be “very special” in of itself: see Wychavon District v SSCLG [2008] EWCA Civ 692. However, any the material planning considerations advanced must clearly outweigh both the harm by reason of inappropriateness and any other harm. In this respect, substantial weight must be given to any harm to the Green Belt (see Framework).
- 6.24 As set out above, the proposed development should not be approved unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.25 The potential harm by reason of inappropriateness is given substantial weight. I now turn to consider the other Green Belt harm.

(i) Green Belt Harm

6.26 The NPPF identifies openness and permanence as the essential characteristics of the Green Belt with the fundamental aim of Green Belt policy to keep land permanently open.

1. Openness

6.27 The concept of openness means the state of being free from built development; the absence of built form as opposed to the absence of visual impact.³ However, the word “openness” is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if the proposed development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.⁴

6.28 The Planning Practice Guidance (PPG) - ID 64-001-20190722 – addresses what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt – which include but are not limited to the following:

³ R. (Lee Valley RPA) v Epping Forest DC [2016] EWCA Civ 404.

⁴ Turner v SSCLG [2016] EWCA Civ 466.

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume.
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.

6.29 The application site is presently open and overall is largely free from any built development. However, this part of the Green Belt is surrounded by dwelling houses. Furthermore, the application site infills between two different properties.

6.30 The proposal taken as whole would result in a minimal/limited loss of openness both in spatial and visual terms.

2. Purposes

6.31 NPPF sets out five purposes of a Green Belt. I consider that the proposal conflicts with three of the purposes of the Green Belt:

- To check unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment

6.32 The starting point is that the impact of the development on these Green Belt purposes is linked to its impact on openness. As it was put by the Supreme Court in R. (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire CC [2020] UKSC 3:

“22. The concept of “openness” in [what was then] para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt.”

6.33 Similarly, in Turner v SSCLG [2016] EWCA Civ 466, the Court of Appeal held:

15...There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns, as indeed the name “Green Belt” itself implies. Greenness is a visual quality: part of the idea of the Green Belt is that the eye and the spirit should be relieved from the prospect of unrelenting urban sprawl. Openness of aspect is a characteristic quality of the countryside, and “safeguarding the countryside from encroachment” includes preservation of that quality of openness...⁵

6.34 I now consider how the development performs against each of the Green Belt purposes.

(a) to check the unrestricted sprawl of large built-up areas

⁵ See also Summers Poultry Products Ltd v SSCLG [2009] EWHC 533 (Admin).

- 6.35 The site is adjacent to residential dwelling and enclosed by other properties. As such the proposal would have limited no effect on the unrestricted sprawl of large built up areas.

(b) to prevent neighbouring towns merging into one another

- 6.36 For the same reason and given the scale of the proposal the proposal would have no effect on neighbouring towns merging.

(c) to assist in safeguarding the countryside from encroachment.

- 6.37 The proposal would maintain the current semi rural character and appearance. The other built forms enclosing the proposed application site and therefore the proposal would safeguard the countryside.

(ii) Other issues

1. Landscape Character

- 6.38 The NPPF sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside and the wider benefits. The application is for 1 dwelling which visually works with the design and scale of the surrounding dwellings. It is considered that there is no adverse effect upon landscape character.

2.Sustainable Development

- 6.39 The site to be isolated in the context of the Framework, given its proximity to other properties. Although, it would appear highly likely that future occupiers would be more reliant on the use of a private motor vehicle. It is acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that development in one village may support services in a village nearby. It is also accepted that the proposed development is unlikely to generate significant vehicle movements. Additionally, some services are present in the main area of Old Knebworth a short distance away, easily accessible. A section of Park Lane forms part of the Great North Way (Route 12) cycleway (the GNW), which then travels along Old Knebworth Lane towards Stevenage. The GNW also travels along Slip Lane, leading to Rabley Heath and Codicote.
- 6.40 There are local bus service (No's 44 and 45), providing access to Luton and Stevenage, where a larger range of shops and services could be accessed. The proposed development would accord with the overall sustainable development strategy aims of LP Policy.

3. Impact upon living conditions of neighbours and highway safety

- 6.41 Given the scale of development and its location on site there is no adverse effect upon the living conditions of neighbours

4. Heritage Assessment

- 6.42 A heritage assessment has been provided as part of this application. It concludes that the proposal would have a neutral effect upon the heritage assets.

(iii) Very Special Circumstances

- 6.43 There are identified planning benefits from the Application Proposals.

1. Market Housing

- 6.44 In terms of market housing, the Council cannot demonstrate a 5-year housing land supply it is acknowledged that the shortfall remains considerable and significant, **Very Substantial** is given to the provision of market housing.

2. Economic benefits

- 6.45 In terms of the economic benefits, the Applicant contends that there are direct and indirect economic benefits which could be delivered by the Proposal. There would be significant economic advantages from the delivery of the scheme. Taking all into consideration, it is considered **Moderate** weight is given to the economic benefits.

3. BNG

- 6.46 The Applicant argues that Moderate weight should be accorded to the delivery of 10% BNG.

7. PLANNING BALANCE

- 7.1 The NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.2 NPPF says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 7.3 What is required is a single exercise of planning judgment about the totality of Green Belt and other harm balanced against the combined weight of other considerations. It is not a mathematical exercise. This is the approach taken from case law⁶.

⁶ *R. (Sefton MBC) v SSCHLG* [2021] EWHC 1082 (Admin).

- 7.4 The first point is that the Appellant argues that the proposal fulfils one of the exceptions of inappropriate development set out in the NPPF and therefore the proposal should be approved on that basis. However, On the basis the Council consider the proposal to be in appropriate development there is a definitional harm to Green Belt; however, it is considered that there be no to limited harm to openness, and purposes of the Green Belt. It would have no adverse impact upon the landscape character of the area (both in Green Belt terms and on its own) and have no harm to the heritage asset or its sustainable credentials or neighbours. On the other hand, the proposal would provide 1 dwelling within an authority that is unable to meet its 5 or 4 year supply for housing which has been historical. There would be benefits to the economy and BNG. Overall, I consider the benefits to be Very Substantial and therefore VSC exist.
- 7.5 Here, balancing the benefits against the harm, the benefits do *clearly* outweigh the harm to the Green Belt and any other harm. The VSC required to justify this development in the Green Belt exist. There are specific policies in the NPPF that indicate that this development should not be restricted. The proposal therefore complies with the Development Plan Policies.

8 HERITAGE STATEMENT

Relevant Legislation & Policy

Statutory Constraints

- 8.1 There is a statutory duty under the provisions of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for special regard to be given to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest which it possesses.
- 8.2 There is a statutory duty under the provisions of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special attention to the desirability of preserving or enhancing the character or appearance of the area.

National Planning Policy Framework (“Framework”)

- 8.3 Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting.
- 8.4 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, LPA's should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan 2011-2031

Historic Environment and Heritage Assets confirms that planning applications relating to Designated heritage assets shall be accompanied by a Heritage Assessment/Justification Statement that:

- i. Assess the significance of heritage assets, including their setting, impacted by the proposal;
- ii. Justify and detail the impacts of any proposal upon the significance of the designated asset(s); and
- iii. Inform any necessary mitigation measures to minimise or mitigate against any identified harms;

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a. Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;
- b. Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified.

Methodology for Assessment

The Key Documents

- 8.5 In line with best practice advocated within Historic Environment Good Practice Advice No.2 (Planning Note 2) & No.3 (Planning Note 3), and Conservation Principles have been used for this assessment attached to Appendix GC-1, GC-2 and GC-3 respectively.

Heritage Significance

- 8.6 In the Framework, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

Heritage Value

- 8.7 Planning Note 2 gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, Planning Note 2 also advocates considering the four types of heritage value an asset may hold as identified in Conservation Principles, *aesthetics, communal, historic and evidential*. These essentially cover the heritage ‘interests’. Conservation Principles provides further information on the heritage values, it identifies:
- **Evidential value:** Evidential value is the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

- **Historical Value (illustrative and/or associative):** Historical Value is the way in which past people, events and aspects of life can be connected through a place to the present. It would be **illustrative or associative**. Illustration is the perception of a place as a link between the past and present people and depends upon visibility. In contrast, associative value need not necessarily be legible as an asset, but gives resonance through association with a notable family, person, event or movement. For example, the association of Chartwell, now owned by the National Trust, with Winston Churchill.
- **Aesthetic value:** Aesthetic value is the ways in which people draw sensory and intellectual stimulation from a place.
- **Communal Value:** Communal value is the meanings of a place for the people who relating to it, or for whom it figures in the collective experience or memory.

8.8 Significance results from a combination of any, some or all of the values described above.

8.9 Listed Buildings and Conservation Areas are designated for their special architectural and historic interest.

Assessing Significance including any Contribution from the Setting

8.10 As previously noted, the Framework confirms that “*significance derives not only from a heritage asset’s physical presence, but also from its setting.*”

- 8.11 As defined by the Framework, the setting of a heritage asset is *“the surroundings in which a heritage asset is experienced. Its extent is not mixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 8.12 Planning Note 3 documents how alteration to setting should be assessed. Important to this application are Steps 1-3, as listed below.
- Step 1 - identify the heritage assets affected and their settings.
 - Step 2 - assess whether, how, and to what degree settings make a contribution to the significance of the heritage asset(s).
 - Step 3 - assess the effect of the proposed development on the significance of the assets(s).
 - Step 4 – explore ways to maximise enhancement and minimise harm.
 - Step 5 - make and document the decision and monitor outcomes.
- 8.13 Planning Note 3 confirms that understanding the level of significance is important as it provides the essential guide as to how the policies should be applied. There are four key levels of significance, these are –
- 1) Designated heritage assets of the highest significance comprising Grade I and II* Listed buildings; Grade I & II* Registered Parks and Gardens; Scheduled Ancient Monuments; Protected Wreck Sites, Registered Battlefields and some conservation areas;
 - 2) Designated heritage assets of less than highest significance comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens and some conservation areas;

- 3) Non-designated heritage assets such as archaeological remains and locally listed buildings.
- 4) Sites, buildings or areas of no heritage significance.

Assessing Harm

- 8.14 The assessment of harm is articulated in terms of policy and law that the proposal will be assessed against. As part of this, setting may be a consideration. This statement follows the process advocated in Planning Note 3, and fundamental to this is identifying what aspects of the setting contribute to the significance of the heritage asset(s) and why. However, it should be noted that setting is not a heritage asset nor a heritage designation. It is necessary to consider any impact on the significance of a heritage asset itself through changes to setting.
- 8.15 When assessing the impact of a development upon the significance of a heritage asset, the following levels of harm may be identified: **substantial harm, less than substantial harm, and no harm**. There are differing levels of impact within each of these categories.

Assessment

Identification of the Heritage Assets

8.16 The site is located at Drivers End Lane where there are 3 listed buildings within a 500m radius. Furthermore, from a search of local and national data records concerning the Historic Environment.

Sources:

- ❖ The Hertfordshire Historic Environment Record (HER) and St Albans Urban Archaeological Database (UAD);
- ❖ The National Heritage List for England,
- ❖ The National Monument Record (NMR).

National Heritage List for England

8.17 There are 3 buildings within the study area listed as being of architectural or historic interest, which are the Grade II listed

HER No.	Address	Summary Description
1102796	TROOPERS DRIVERS END LANE	Farmhouse. Early-mid C17, lobby entrance plan. 2 timber frame bays until extended by 1 bay on right c.1980. Red brick and flint ground floor. Exposed framing with red brick infill to upper floor. Machine tile roof. Ridge chimney stack with square and diagonal set shafts. 2 storeys. Continuous tall plinth. Original gabled porch with chamfered brick door arch. Rear elevation has staircase turret on W side with 2 original diamond- leaded windows. Modern leaded casements throughout. Interior has inglenook fireplaces either side of ground floor stack. Chamfer-stopped floor beams. Chamfered brick 1st floor fireplace. Wide-plank C17 doors with moulded grooves. The extension bay incorporates framing of C17 barn taken from Ware and repeats details of original house.
161962	NODE COURT	Model dairy, now offices. 1928 by Maurice Chesterton for the American businessman Carl Holmes. The design has its roots in the Picturesque revival and was probably inspired by Marie Antoinette's dairy in 'Le Hameau', Versailles. Circular rendered brick building mainly of 1 storey and attic arranged around a courtyard and covered with a continuous roof of thatch. Plastic casement windows, formerly metal frame. N entrance has broad 2- storey arch set in a wide gable. Offset 1-storey wings each side. On opposite side of courtyard is a 2-storey cottage with timber frame balcony. Large 3-storey tower to the SE with eyebrow. dormers in circular pyramid roof. The circular courtyard acted as turning space for milk lorries. To the SE is a covered way, formerly also thatched, which was equipped with a mechanical bucket conveyor system and leads to the dungery, a low rectangular thatched, hipped-roof structure. The Node set standards for hygiene and efficient dairy farming in England. It resembles contemporary expressionist buildings in Holland. (Country Life, 30.6.1958).
1347276	CHANDLERS COTTAGE DRIVERS END LANE	House. C17 timber frame at right end. C20 extension left of this. Recent central section. Late C19 water tower on left end (not of special interest). Roughcast. Machine tile roof. The right portion is 2 bays with gable end to road. It has central C17 red brick chimney stack with joined square shafts. 2 storeys. Lobby entrance plan, the staircase attached to the chimney stack in front of the door (RCHM, 1910).

The Significance of the Identified Heritage Assets – including any Contributions from the Setting

- Listed Building,

- 8.18 The identified Grade II listed buildings are of high significance. However, it is a matter of note that the closest of the Grade II listed buildings is derelict following a fire.

The Impact of the Proposed Development upon the Significance of the Heritage Assets

- 8.19 The proposed development is the erection of a 1 dwelling which is surrounded by large residential Mock Tudor style development. The area of land the subject of the application site has no association with any of the listed buildings or at least over time it has eroded to such an extent that there now no relationship between the site and the Listed Buildings. By virtue of the scale of development and distance to the listed buildings there is a neutral impact on the heritage assets. Therefore, it is argued that there would be no harm to the significance of the

identified heritage assets. Paragraph 208 of the Framework is not triggered, and no further assessment is required in this respect. The development should not be refused on heritage grounds.