

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03120/OP	Erection of one self-build dwelling (all matters reserved except means of access) and demolition of existing detached barn.	Land At Fear End Fears Green Sandon Buntingford Hertfordshire SG9 0QY

Submitted Plan Nos

225122-PL-001-D 225122-PL-002-C

1.0 Policies

1.0 **National Planning Policy Framework (2023)**

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

1.1 **North Hertfordshire Local Plan (2011-2031)**

Strategic Policies

Policy SP1 - Sustainable development in North Herts
Policy SP2 – Settlement Hierarchy and Spatial Distribution
Policy SP5 – Countryside and Green Belt
Policy SP6 – Sustainable transport
Policy SP8 - Housing
Policy SP9 – Design and sustainability
Policy SP12 – Green infrastructure, landscape and biodiversity
Policy SP13 – Historic environment

Development Management Policies

Policy CGB1 – Rural area beyond the Green Belt
Policy CGB4 – Existing buildings in the Rural Area Beyond the Green Belt
Policy D1 – Sustainable Design
Policy D2 – House Extensions and Replacement Dwellings
Policy D3 – Protecting Living Conditions
Policy HE4 - Archaeology
Policy NE2 - Landscape
Policy NE4 – Biodiversity and geological sites
Policy T1 Assessment of transport matters
Policy T2 Parking

2.0 **Site History**

- 2.1 Land to the rear of Fear End - 25/03189/FP - Erection of five detached dwellings including parking and landscaping following demolition of agricultural buildings (amendment to previously approved Prior Notification 24/02908/PNQ granted 13.02.2025). Decision Pending.

- 2.2 Land to the rear of Fear End - 24/02908/PNQ - Conversion of agricultural buildings into 7 residential dwellings. Prior Approval Granted.
- 2.3 Fear End - 25/03129/FP - Erection of dwelling and associated works following demolition of existing dwelling. Conditional Permission.
- 2.4 Fear End - 25/00212/FPH - Erection of side extension. Conditional Permission.

3.0 **Representations**

3.1 **Kelshall Parish Council** – Object on the following grounds:

- Impact a further dwelling would have on traffic movements along Gannock Road and within the immediate area.
- Poor condition of the existing highway and need for improvements if more dwellings are allowed.

3.2 **Highway Authority** – Refuse on the following grounds:

- The proposed development fails to demonstrate that the means of access would provide safe, inclusive, and accessible routes for all users, including those with disabilities and reduced mobility. The submitted plans do not adequately address pedestrian cycle connectivity, and therefore do not comply with Paragraphs 8(b), 96, and 117 of the National Planning Policy Framework (NPPF) (as amended February 2025), which require developments to create well-designed places with accessible services and to meet the needs of all transport users.
- Furthermore, the proposal conflicts with North Hertfordshire Local Plan Policy SP6 (Sustainable Transport), which mandates accessible and integrated transport infrastructure, including rights of way and cycling routes, and seeks to deliver accessibility improvements and promote safe, sustainable travel. It also fails to comply with the Council's Inclusive Design SPD, which requires developments to ensure safe, inclusive, and accessible environments for all users

3.3 **NHC Environmental Health**

Contaminated Land – Recommends submission of Phase 2 investigation report should planning approval be granted.

Noise & Nuisance – No objection.

Air Quality - Recommends provision of EV charge point should planning approval be granted.

3.4 **HCC Archaeology** – No objection.

3.5 **NHC Ecology** – Not subject to mandatory BNG as self-build however recommends submission of an Ecological Enhancement Plan (EEP) should planning approval be granted.

3.6 **Site Notice** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is located on the east side of Fears Green and sits north of an existing detached single storey residential dwelling known as Fear End and to the south of a detached two-storey dwelling known as Fallowfields. Opposite the site and included within the red line site boundary is an agricultural barn. Planning history shows planning approval has recently been granted for a replacement dwelling at Fear End together with prior approval having been granted for the conversion of agricultural buildings into seven residential dwellings on land to the rear of Fear End with a pending decision on the same site as the prior approval for the erection of five residential dwellings following demolition of existing agricultural buildings.

4.1.2 The area is considered remote in its relationship with the village of Sandon, located to the southwest of the site at approximately 0.7 kilometres. Sandon does not offer a range of services appropriate to supporting increased residential accommodation particularly outside of the defined settlement boundary which would result in unsustainable development. The nearest town offering a range of services is Royston to the northeast at approximately 7 kilometres. The surrounding landscape is laid to arable farmland with Philpott's Wood to the east.

4.1.3 For planning policy purposes the site is within the Rural Area beyond the Green Belt, outside of any settlement boundary.

4.2 **Proposal**

4.2.1 Erection of one self-build dwelling (all matters reserved except means of access) and demolition of existing detached barn.

4.2.2 The application is supported by a Planning Statement and a Preliminary Ecological Assessment Report dated December 2025.

4.3 **Key Issues**

4.3.1 The application is submitted in outline as a self-build proposal and therefore the key issue in this case is the principle of the development.

Principle for Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

4.3.3 Section 5 of the NPPF, para 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside where certain criteria apply. The proposed development fails to meet any of the criteria set out under para 84.

- 4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing.
- 4.3.4 Policy SP2 of the Local Plan sets out that for the most part of the district's housing developments will be delivered in the settlement boundaries of the main towns. It further states that a smaller proportion of housing and supporting infrastructure will be delivered in the adjusted settlement boundaries of five villages. It goes on to categorise the remaining villages into A, B and C based on their size and availability of services. The proposed site lies outside of any defined settlement boundary where development is not generally supported.
- 4.3.5 It is accepted that the Council is unable to demonstrate a five-year housing land supply which would engage the tilted balance set out at paragraph 11d) of the NPPF which states:

'd) 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 4.3.6 The site is designated within the Rural Area beyond the Green Belt, which is covered under Policy CBG1 of the Local Plan, and which sets out circumstances where planning permission would be granted. The proposed development would not comply with any of the criteria for suitable development in the Rural Area beyond the Green Belt and therefore the proposed development conflicts with Policy CGB1 of the Local Plan.
- 4.3.7 The agent has made a case for 'infill development' given the presence of residential dwellings to the north and south of the site. 'Infilling' is not defined in the NPPF or the Local Plan. However, in my view it would be fair to say that whilst physical evidence may suggest support for development in villages or on the edge of villages, 'infilling' in such a remote and isolated location as proposed would be contrary to the aims of both national and local planning policy which seek to protect the open character of the countryside. In addition, where remote and isolated land is put forward for development, consideration must be had to the impact of the development on the openness of the area in terms of spatial and visual aspects.
- 4.3.8 The agricultural field which separates the land between dwellings to the north and south of the site is considered to contribute towards this attractive rural landscape setting. Such remote areas often display no set pattern of development and instead offer random isolated dwellings and other rural buildings appropriate to the setting. In this case, I am of the view that there would be spatial and visual harm to the openness of the Rural Area beyond the Green Belt, and that such harm is sufficient to justify adverse harm that

would significantly and demonstrably outweigh the benefits of allowing a new dwelling in this location.

Highways, Access and Parking

- 4.3.9 Policy T1 of the Local Plan states that planning permission will be granted provided that development would not lead to highway safety problems or cause unacceptable impacts upon the highway network. Policy T2 of the Local Plan and the Council's Vehicle Parking at New Development SPD sets out that parking provision must have regard for the standards set out in those documents.
- 4.3.10 The proposal seeks to utilise the existing access to Fear End. Specific access to the proposed dwelling would be set off the existing access to the north. The Highway Authority have considered this proposal and provided formal comments, stating that they do not support the proposed development for reasons set out under para 3.2 of this report. Overall, the proposal is considered unacceptable on highway safety and sustainability grounds and therefore contrary to Policy T1 of the Local Plan and Section 9 of the NPPF.

Impact on Neighbouring Properties

- 4.3.11 A proposed block plan is submitted with the application; this shows the footprint of a dwelling would follow the same building line as existing dwellings to the north and south of the site, however given the outline nature of the application no further comments can be provided due to the lack of any proposed design.

Ecology & Biodiversity Net Gain (BNG) Requirements

- 4.3.12 The development is for a self-build dwelling where mandatory BNG is not required. However, the application is supported by a Preliminary Ecological Assessment Report which discusses ecological enhancements that can be incorporated into the development, and therefore an appropriate condition would be acceptable to address this aspect of the proposed development in relation to ecological impact.

Archaeology

- 4.3.13 When considering the impact of proposed development on the significance of a designated heritage asset (such as archaeology), the NPPF (Section 16 – Conserving and enhancing the historic environment) notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. In this regard, Policy HE4 of the Local Plan is consistent with the NPPF.
- 4.3.14 No objection has been received from Hertfordshire Archaeology and so I am satisfied that the development is in accordance with Section 16 of the NPPF and Policy HE4 of the Local Plan.

Sustainability

- 4.3.15 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three

objectives of sustainable development, the economic, social, and environmental objectives.

- 4.3.16 In terms of the economic objective, the proposed development would deliver modest benefits through the creation of employment during the construction phase and the use of nearby services as well as those further afield in Royston and neighbouring villages. These benefits would be moderate in the context of the single dwelling being proposed.
- 4.3.17 In terms of the social objective, the proposed development would deliver one dwelling towards the Councils housing supply, which is moderate in this context.

Environmental Implications

- 4.3.18 The Council's Sustainability Supplementary Planning Document adopted in 2024 seeks to ensure that new developments are future proofed against the challenge of climate change. The planning statement submitted in support of the application states that '*air-source heat pumps shall be fitted to the dwelling, and an EV charging point provided...*'. Windows and doors would be Building Regulation compliant, and lighting would be energy efficient. In addition, solar panels are stated as an option for any future occupiers.
- 4.3.19 The proposed development, is unlikely to have any significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

Planning Balance and Conclusion

- 4.3.20 The Council is currently unable to demonstrate a five-year supply of land for housing. Accordingly, the 'tilted balance' in paragraph 11d of the Framework is engaged and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.3.21 The proposed development would not, in my view, constitute infilling or development that could reasonably and justifiably be shown to be appropriate in such a remote and rural setting. There is, in my view, harm to the spatial and visual openness of the Rural Area beyond the Green Belt and this further supports the level of harm and inappropriate nature of the development.
- 4.3.22 The proposal fails to demonstrate that the means of access would provide safe, inclusive, and accessible routes for all users, including those with disabilities and reduced mobility. There is no provision for pedestrians or cycle connectivity which fails to accord with Section 9 of the NPPF.

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 **REFUSED** for the following reasons:

1. The proposed development, by virtue of its remote location in a rural setting would result in harm to the character of the countryside in the Rural Area beyond the Green Belt and would fail to comply with Policies SP1, SP5 and CGB1 of the Local Plan 2011-2031 and Sections 2, 5, 12 and 15 of the NPPF (2024).
2. The proposed development, by virtue of its remote and rural setting and distance from essential local services and facilities would be deemed as unsustainable both socially and environmentally. The limited benefit of the delivery of the proposal is not considered to significantly or demonstrably outweigh these adverse concerns and is contrary to Policies SP1, SP5, SP6, CGB1 and T1 of the Local Plan 2011-2031 and Sections 2, 5, 9, 12 and 15 of the NPPF (2024).
3. The proposed development fails to demonstrate that the means of access would provide safe, inclusive, and accessible routes for all users, including those with disabilities and reduced mobility. The submitted plans do not adequately address pedestrian cycle connectivity, and therefore do not comply with Paragraphs 8(b), 96, and 117 of the National Planning Policy Framework (NPPF) (as amended February 2025), which require developments to create well-designed places with accessible services and to meet the needs of all transport users.

Furthermore, the proposal conflicts with North Hertfordshire Local Plan Policy SP6 (Sustainable Transport), which mandates accessible and integrated transport infrastructure, including rights of way and cycling routes, and seeks to deliver accessibility improvements and promote safe, sustainable travel. It also fails to comply with the Council's Inclusive Design SPD, which requires developments to ensure safe, inclusive, and accessible environments for all users.

Proactive Statement:

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

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 February 2026	