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Dear Henry

RE: Cover let for additional highway drawing and response to New NPPF

This letter accompanies an additional 1:200 scale CAD drawing of the proposed improvements to the existing access, demonstrating the access widening and confirming that it can safely accommodate vehicle movements.

The letter also deals with comments raised by yourself, with regards to the proposal's compliance with local plan policies CGB1/4. As already set out in the planning statement submitted for this application, it is the position of the applicant that the proposal complies with policies CGB1/4. The proposal would result in a 23.75% decrease in built footprint and a 9.21% decrease in built volume on the site, has sought to keep the built development within the footprint of the existing buildings where feasible, and has taken care to make the two detached carports clearly visually subordinate to the dwelling-houses.

However, should you disagree, the appellant also wishes to make clear that the proposal should still be approved, due to changes in National Policy. This position is set below in an assessment of the suitability of the proposal vis-à-vis the new 2026 NPPF.

Principle of development against the 2026 NPPF:

Chapter 1, Paragraph 3 of the new Framework states as follows: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in this Framework are a material consideration in making these decisions and should be read alongside the policies in the development plan. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans."*

Paragraph 2 of Annex A of the new framework goes on to state that *"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have*



been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.”

The North Herts Local Plan was not made or adopted against the new NPPF. It is considered that the most comparable policies between the Framework and the Local plan (that are relevant to this application) are Policy S5 and Policy CGB1/4 respectively. As shall be demonstrated, local plan policies CGB1/4 are partly inconsistent with new NPPF, and very limited weight should be given to those parts that restrict development that otherwise would be granted.

Policy S3 of the NPPF requires decisions on development proposals to apply a presumption in favour of sustainable development. For proposals outside of settlements, this means that policy S5 should be applied.

Parts of Policy S5 which are relevant to this application state as follows

“1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

[...]

d. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);

[...]

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

2. In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.”



The above policy makes it clear that, where a proposal complies with **at least one** of the forms of development set out in Part 1, it should be approved, unless the benefits are substantially outweighed by any adverse effects set out in the policies of the NPPF.

The wording of the policy is significant, in that the test of whether benefits are “*substantially outweighed*” is different from the former test of whether “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. Government press releases on the new NPPF have stated that the new NPPF contains stronger in-principle support for development, meaning a more explicit presumption in favour of development in sustainable locations now exists.

The word “*Significantly*” emphasizes the importance or impact of something, often describing a noticeable or meaningful difference. “*Substantially*”, in contrast emphasizes the size or extent of something, indicating a considerable amount or degree. The change in wording shows that where there a development is sustainable, decision makers, instead of just making a balancing judgement (i.e. do the adverse impacts outweigh the benefits), should also assess (in cases where the costs outweigh the benefits) whether this outweighing is substantial or not. There may be cases in which adverse impacts do slightly outweigh the benefits, but not substantially. In such a case, the development should still be approved.

Part 3 of the policy states that “*Development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.*” This proposal sits within a group of houses. Therefore Part 3 does not apply to this proposal.

It is the view of the applicant that, while the proposal needs only to comply with either section d. or j. of Part 1 of Policy S5, it does, in fact, comply with both. The proposal also complies with Part 2 of the policy and therefore should be approved.

Regarding section d., the proposal (as made clear in the planning statement) is on a site that constitutes previously developed land. This has not been disputed in this application, nor was it disputed in the Officer’s Report for the previous decision on this site.

Regarding section j. a demonstrable unmet need for housing clearly exists in North Herts, given that the LPA cannot demonstrate a 5-year supply of deliverable housing sites. To the extent that the nature of the proposal makes appropriate (the removal of two equestrian buildings and their replacement with 5 houses), the proposal is physically well-related to an existing settlement. The site is located approximately 600 metres south southeast of the settlement boundary of Hinxworth, a category B village in the NHDC Local Plan.

Regarding the impacts upon the broader local landscape, neither the LPA nor the Parish Council has objected to the development of dwellings in this location. The proposal will result in a reduction of footprint and built form in this location, and the appearance of the site will be drastically improved, replacing a pair of large run-down buildings with 5 houses of high-quality design, including landscaping improvements to the site, serving to improve the visual aesthetic and to soften the



appearance of built form in the rural landscape. It is therefore the position of the applicant that the site is well-related to Hinxworth.

The applicant considers the proposal to be of a scale which can be easily accommodated on the site, given the existing availability of infrastructure. As such, provided that the proposal complies with all the relevant national decision-making policies which otherwise state that development proposals should be refused (and which failure to comply with would mean that the benefits would be substantially outweighed by adverse effects), this proposal complies with Policy S5 and should be approved.

North Herts Plan “materially inconsistent”:

Regarding whether the North Herts local plan policies are materially inconsistent, policy CGB1/4 of the local plan allows for development in the Rural Area beyond the Green Belt that relates to existing rural buildings. This permission is contingent, as it relates to this proposal, upon the resultant buildings not having a “materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s)”, and any outbuildings being cited as close as possible to the main buildings and visually subordinate to them.

In contrast, the new NPPF allows, outside of settlements, ‘the redevelopment of Previously developed land (including material changes of use)’ and where the benefits of doing so would not be “substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework” (discussed below), a far greater range of developments. It is therefore considered that Policies GGB1/4 may be considered materially inconsistent with National Policies in the restrictions they apply to proposals and thus should be given very limited weight.

NPPF Refusal Triggers:

The relevant policies in the NPPF relating to “any adverse effects” and which failure to comply with would trigger a refusal, are as follows:

- Policy N2: Improving the natural environment
- TR3: Locating development in sustainable locations
- DP3: Key principles for well-designed places
- L3: Achieving appropriate densities

These policies, and the degree to which the proposal complies with them, are explored below:

Policy N2: Improving the natural environment

The relevant parts of this policy state as follows:

“1. To contribute positively to the natural environment, and support nature’s recovery, development proposals should:



- a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);*
- d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;”*

It is considered that the Ecological and Landscaping portions of this proposal, as already set out in the planning statement, are sufficient to demonstrate that this application accords with the above policy. The proposals would result in BNG onsite of at least 10% and enhanced landscaping overall.

TR3: Locating development in sustainable locations

The relevant parts of this policy state as follows:

“1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

- a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;*
- c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;”*

As has been established in the previous application, and not disputed in this application, this proposal would not generate a significant amount of movement. As such, part 1.a. of the policy does not apply. Moreover, the previous application established that no significant impacts on capacity, congestion or highway safety would result from the development of four houses in this location. This application, as demonstrated in the submitted Transport Technical Note, would result in 24 vehicle trips per day, compared to 96 at present. In addition, the drawings accompanying this letter (refs: [...]) demonstrate that there would be no adverse impact on highway safety. As such, it is considered that this proposal complies with this policy.



DP3: Key principles for well-designed places

The policy is split into three paragraphs. Paragraph 1 requires proposals to respond to their context. Paragraph 2 sets out seven broad principles, relevant aspects of which proposals should reflect. Paragraph 3 requires proposals not be refused if, without clear justification, they conflict with Paragraph 1, relevant aspects of the principles in Paragraph 2, or with any *“explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans).”*

As was made clear in the planning statement, the proposal responds to its context. It should be noted that the need to respond to context, *“should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3”*. Keeping this in mind, the proposal therefore complies with Paragraph 1.

The degree to which the proposal responds to the principles set out by Paragraph 2 of the policy has also been functionally dealt with in the planning statement. However, a brief overview is set out below:

- (a) The proposal supports liveability to the degree appropriate for this type of development; for details, see the planning statement.
- (b) Building layouts, orientation massing, landscaping and materials contribute to climate change mitigation and adaptation; see the Sustainability and Energy Efficiency section of the planning statement for details.
- (c) The proposal Incorporates high quality, accessible and multifunctional green infrastructure; see the Scale, Appearance and Layout, and the Biodiversity sections of the planning statement for details.
- (d) The proposal includes sufficient transport infrastructure and choices to support the design vision and connections to nearby settlement, to the degree made practicable by the nature of the development, via including bike storage facilities and electric car charging stations for each dwelling.
- (e) Built form; the proposed pattern of buildings promotes compact development, optimises the site’s potential, distinguishes between public and private areas and creates focal points. The replacement of two utilitarian buildings with an attractive set of dwellings, laid out and designed to mimic a farmyard style development, along with the proposed landscaping scheme, will serve to enhance views in and out of the development.
- (f) Public space; the proposal clearly creates public space for residents; see the Scale, Appearance and Layout section of the planning statement for details.
- (g) Identity; the proposal also creates a strong sense of place.

It is therefore considered that the proposal complies with Paragraph 2 of the policy.

Paragraph 3 of DP3 reads: *“Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific*



policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.”

This proposal has taken into consideration relevant design standards set out in the development plan, along with comments raised by the officer in the previous application. Such standards as apply are already dealt with in the planning statement. As such, it is considered that the proposal passes Paragraphs 1, 2 and 3 of Policy DP3.

L3: Achieving appropriate densities

This policy is not one of those that are referred to in Policy S5, but it is relevant in that it is referred to in Policy DP3.

The relevant parts of the policy state:

“1. Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site’s connectivity and the importance of securing well-designed, attractive and healthy places.

2. To contribute to making efficient use of land:

b. Outside settlements, and on land at the edge of existing built-up areas which is allocated or has permission for development and so will form part of a settlement (as defined in the glossary at Annex B), development footprints should make the best use of a site’s development potential, taking into account the policies in this Framework;

4. Development proposals that do not make efficient use of land in accordance with paragraph 2 of this policy should be refused.”

The applicant is of the view that the information already provided within this application serves to demonstrate that the proposal meets the L3 requirements. Moreover, when considered against the application already approved for this site, it is considered that the proposal makes more efficient use of the land and the site’s development potential than the previous application did, given that the proposal provides 5 houses rather than 4, and a comparative increase in dwellings per hectare from 5.48dph to 6.85dph.

Conclusion:

In summary, it is considered that the documents already provided serve to demonstrate that this proposal complies with policies CGB1/4. However, should you disagree, it is noted that these policies are, in the view of the applicant, partly inconsistent with those in the NPPF, due to their restricting development that the NPPF permits. As such, it is considered that limited weight should be given to the elements of the those policies that would restrict this development.



It is also considered that the proposal complies with part d. (and j.) of Policy S5 of the NPPF and so is '*a form of development that should be approved outside settlements*' and the proposal complies with the key relevant policies that determine whether the benefits of the proposal are substantially outweighed by any adverse effects and which failure to comply with might trigger a refusal.

This being the case, it is considered that the proposal is sustainable development, and as such should be approved.

Yours faithfully,

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Director

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