

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02673/FP	Change of use and conversion of existing outbuilding to one self-contained 1-bed dwelling to include alterations to fenestration; external rendering and parking and landscaping following demolition of existing extensions	The Bothy Hexton Hitchin Hertfordshire SG5 3JG

Submitted Plan Nos

2023-26-01B 2023-26-02 2023-26-03

1.0 Policies

1.0 Relevant Planning Policy

- 1.1** North Hertfordshire Local Plan 2011 – 2031
 - Policy SP2: Settlement Hierarchy and Spatial Distribution
 - Policy SP5: Countryside and Green Belt
 - Policy SP13: Historic environment
 - Policy T2: Parking
 - Policy D1: Sustainable Design
 - Policy D3: Protecting Living conditions
 - Policy D4: Air quality
 - Policy NE3: The Chilterns Area of Outstanding Natural Beauty (ANOB)
 - Policy NE4: Biodiversity and geological sites

Policy HE1: Designated heritage assets
Policy HE4: Archaeology

1.3 National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 13: Protecting Green Belt land
Section 15: Conserving and enhancing the historic environment
Section 16: Conserving and enhancing the natural environment

1.4 Supplementary Planning Guidance and Documents

- ☐ Design SPD 2011
- ☐ Vehicle Parking at New Developments 2011

2.0 **Site History**

- 2.1 23/02724/FP: Conversion of existing outbuilding to one 2-bed dwelling to include single storey side extension following demolition of existing extensions with parking and landscaping. Alterations to fenestration. Granted 06.09.2024

3.0 **Representations**

3.1 NHDC Waste

Provides general advice and guidance on waste storage and collection

3.2 Herts Highways

Advises No objection

3.3 Hertfordshire Gardens Trust

'We have considered the information that you have provided and on the basis of this do not wish to comment on the proposals at this stage'.

3.4 NHDC Environmental Health (Contamination)

Recommends conditions and an Informative and an EV condition.

3.5 Hertfordshire County Council (Historic Environment Advisor)

No comments

3.6 NHDC Conservation officer

Raises no objections. Suggestion re front door design.

3.7 Site Notice / Neighbour consultation:

No responses received to publicity and consultation.

3.8 Hexton Parish Council
No comments received

3.10 Natural England

‘No objection’

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The Bothy is an outbuilding associated with Hexton Manor, an extensive residential, agricultural and sporting estate.

The building is rectangular with a shallow pitched roof and occupies a plot of around 500 sq metres). The building is redundant from its original use as an engine room providing power to Hexton Manor. The building is brick built with a plain tile roof. The building has several window openings. The building has a floor area of 85 sq metres. There is a pedestrian access that serves the building through the boundary wall onto the estate road.

4.1.1 The site lies within the Green Belt, Hexton Conservation Area, the Chilterns AONB and the registered park and garden associated with Hexton Manor. The site lies just outside to the Category A settlement of Hexton. The Bothy building is early 20th Century and is curtilage listed to Hexton Manor.

4.2 **Proposal**

4.2.1 The proposal is to convert the property into a one bedroom dwelling with limited external changes.

In detail the proposals involve:

- ☐ Windows will be timber sliding sash to match existing generally with black clad mullions and framing.
- ☐ Glazed front door.
- ☐ New landscaping to include a formal lawn and close boarded fences.
- ☐ New polished stone steps to entrance doors.
- ☐ Hardstanding and access drive in resin bonded material. A small patio at the side / front

4.3 **Key Issues**

4.3.1 The key issues are as follows:

- ☐ Principle of development
- ☐ Impact on character and appearance of the area
- ☐ Impact on Heritage Assets
- ☐ Environmental issues
- ☐ Living conditions
- ☐ Access and parking considerations

4.3.2 Principle of development

4.3.3 The principle of converting this building to a dwelling has been established by the existing consent (see history above)

4.3.4 Paragraph 154 h) of the NPPF allows for the re-use of buildings provided that the buildings are of permanent and substantial construction. The existing building is of permanent and substantial construction being a brick built building with slate roof.

4.3.5 In the light of the above it is concluded that the proposals would meet exception h) of paragraph 154 of the Framework. Therefore no very special circumstances are required to be demonstrated.

4.3.6 Other harm to the Green Belt

4.3.7 In design terms the proposed alterations are sympathetic to the existing building in height, form, proportions, roof type, window details and materials.. The use of traditional materials would not be harmful to the character and appearance of the area.

4.3.8 Paragraph 143 of the Framework sets out the five purposes of Green Belt. This proposal would not conflict with the five purposes of Green Belt as it would not:

- result in sprawl of a large built up area
- result in towns merging into one another;
- result in encroachment into the countryside
- affect the setting and special character of historic towns
- have any impact on urban regeneration / urban land

4.3.9 In assessing the impact of the development on the openness of the Green Belt the planning judgement must have regard to both the spatial impact of the development (i.e. the quantitative impact of new development) and a visual impact (the effect upon people's perception of openness from beyond the boundary of the application site). In terms of the spatial assessment, there would be no increase in volume and floorspace at the site and consequently there would be no direct affect upon the openness of the site and therefore any additional harm to the openness of the Green Belt. In terms of the visual impact the proposed traditional fenestration and materials are acceptable and appropriate in this rural setting. It is considered that the openness of the Green Belt would not be significantly affected as a result of the limited visual impact of the development.

4.3.10 Impact on the character and appearance of the area

4.3.11 The existing building is a modest structure in need of some refurbishment and set within a wider parkland and estate. It is partly contained within a walled garden and there are no long distance views of it. Its contribution to the setting of the Hexton Conservation Area and the setting of Hexton Manor is limited in my view.

The re-use of the building as a dwelling would be compatible with the residential uses nearby of the Manor and Hexton Lodge and the neary dwellings within the village. The overall appearance of the building would be enhanced through the refurbishment of the existing property, new roof materials, new driveway and hardstanding in resin gravel and enhancements to the landscaping including formal garden.

There would be no significant change to the landscaping around the site as all existing trees and hedges around the site are to be retained. A condition withdrawing permitted development rights for extensions and outbuildings would ensure that the character of this part of the estate is maintained.

The proposal would result in an enhancement to the building and the immediate surroundings. It is considered that the proposals will have a positive effect on the character and appearance of the area. I consider that the proposal would be consistent with the aims of Policy SP9 which seeks to support new development where it is well designed and located and responds positively to its local context.

4.3.12 Heritage impact

- 4.3.13 The key heritage assets affected are Hexton Manor (Grade II), the Registered Park and Garden and the Hexton Conservation Area.

Whilst the site is within a Conservation Area there are no key views in the Hexton Conservation Area Character Statement that would be affected and no other special designations in the CA that would be affected (such as significant open spaces or areas of trees). The building would not affect the setting of Hexton Manor given its contained nature and distance from the Manor as well as intervening landscaping. The impact of the proposals on the significance of the Conservation Area and the setting of the nearby listed building would be neutral. Therefore there would be no conflict with LP Policies SP13 and HE1.

Given the enhancement of the building and immediate grounds through this refurbishment and conversion scheme it is not considered that the proposal will have any negative impact on the Registered Park and Garden or the AONB.

4.3.14 Environmental issues

- 4.3.15 The building was previously used as an engine room and it is likely that there will be some contamination both within the building and the site area. The Council's Environmental Health officer has requested contamination conditions. As such and given the proposed residential use of the building I am of the opinion it would be appropriate to attach land contamination condition and land contamination informative as requested should permission be granted for this development.
- 4.3.16 The site is in Flood Risk zone 1 where there is a low probability of flooding. Surface water management can be dealt with through the building regulations for this small development and it is unlikely that the site is at risk of flooding given the undeveloped landscaped area to be retained around the original building.

4.3.17 Living conditions

- 4.3.18 In terms of the living conditions of the prospective occupiers the proposed accommodation would exceed the nationally described space standards for new dwellings and the garden area would provide more than adequate outdoor space for the occupants. The proposals would meet the general requirements of Policy D1 of the Local Plan.
- 4.3.19 The nearest affected neighbours are those at Hexton Lodge and Hexton Manor however the proposed dwelling is separated from these residences by such a distance so as to not result in any adverse impact on the living conditions of the adjoining occupiers.

4.3.20 Highways, access and parking

- 4.3.21 The existing engine house is accessed off the private drive into the estate from the main road around Hexton Lodge to the south and its gated access. This will continue to be the main vehicular access to the new property. No new access is proposed off the main village road. The Highway Authority raise no objection to the access arrangements. Sufficient parking to meet the needs of the occupants is provided on the new driveway/ hardstanding to the rear of the new property.

Refuse will be collected as per the existing arrangements within the private estate.

4.3.22 Biodiversity

- 4.3.23 This application is exempt from the requirement to achieve Biodiversity Net Gain under the Environment Act 2021 as it was submitted and registered before BNG became mandatory for small sites in April 2024. However measures are proposed to protect and enhance biodiversity as required by Policy NE4 of the Local Plan and these include a Landscape and Ecological Management Plan. The area around the building will be kept open and landscaped and it is likely that through the additional landscaping and LEMP details there will more than likely be a net gain to biodiversity.

4.3.24 Climate Change

- 4.3.25 The proposed development, by virtue of its limited scale together would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2023.

4.3.26 The Planning Balance

- 4.3.27 The Local Planning Authority cannot currently demonstrate a five year supply of housing land as required by the NPPF (currently 3.9 years as set out in the Five Year Housing Land Supply Position Statement (May 2024) . The provision of one dwelling

would contribute to this shortfall but not significantly so and therefore I can only attribute very limited weight to this benefit.

4.3.28 The proposal will bring a redundant building back into use. There would also be landscape improvements. These positive aspect of the scheme are acknowledged and I attach moderate weight to them in the planning balance.

4.3.29 The proposal is not considered inappropriate development in the Green Belt.

4.3.30 There would be no harm to designated heritage assets. The impact would be neutral in my view

4.3.31 The balance is in favour of granting planning permission in my view given the positive aspects of the scheme and the securing of a new dwelling to the Council's housing stock. Accordingly it is recommended that planning permission be granted.

4.4 **Conclusion**

4.4.1 The development is considered to be acceptable in planning and conservation terms.

4.5 **Alternative Options**

4.5.1 None applicable

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. The extension hereby permitted shall be built in external materials to match the existing building unless otherwise agreed in writing by the LPA. The roof material shall be reproduction westmorland slates as specified on drawing No. 01B.

Reason: To protect the visual amenities of the locality and to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011 to 2031.

4. The development hereby permitted shall be carried out in accordance with the details shown in the submitted Energy & Sustainability statement by EPS Group dated 26th March 2024.

Reason: In order to future proof the development against climate change and comply with Policy D1 of the Local Plan.

5. Prior to the completion and occupation of the development hereby approved a landscape and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a net gain for biodiversity and to comply with Policy NE4 of the Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, E and F of Part 1 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 Policy HE1 of the North Hertfordshire Local Plan 2011 to 2031. In addition, as the building is being extended to the limit of a proportionate addition to the original building to facilitate the conversion, it is reasonable to remove permitted development rights to prevent further inappropriate additions harming the openness and purposes of the Green Belt and to ensure further additions comply with Policy SP5 of the Local Plan and Section 13 of the NPPF.

7. No development approved by this permission shall take place until a Phase 2 investigation report has been submitted to and approved in writing by the Local Planning Authority as recommended by the previously submitted HESI Ltd report dated December 2023 (Ref: 18672). Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

8. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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 BS10175:2011. 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 by the LPA.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

9. The development shall be carried out in accordance with the recommendations (including mitigations) as set out in the submitted Final Emergence Bat Survey report by Cherryfield Ecology dated 27th June 2024.

Reason: In the interests of nature conservation and to ensure compliance with Policy NE4 of the Local Plan.

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. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 30 April 2025	