

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00409/FPH	Creation of vehicular access off Smiths End Lane and existing vehicular access permanently made redundant and installation of 1.2m post and rail fence on eastern boundary. Provision of new driveway and 3 car parking spaces	Wellside Cottage Smiths End Lane Barley Royston Hertfordshire SG8 8LJ

Submitted Plan Nos

20917-S001 20917-P002

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets

T2 Parking

SECN12 Achieving well-designed places

2.0 **Site History**

2.1 25/00408/LDCP - Erection of detached outbuilding incorporating 3no. roof lights to the front elevation.

Granted.

2.2 24/01692/FPH - Erection of detached outbuilding with external stairs to access first floor office space and incorporating 4no. roof-lights following demolition of existing outbuilding and shed.

Refused.

2.3 24/00573/FPH - Part two storey, part single storey rear extension following demolition of existing conservatory and outbuildings. Installation of flue following demolition of chimney stack, and alterations to fenestration.

Conditional Permission.

3.0 **Representations**

3.1 **Neighbour Consultation & Site Notice** – Two received in support stating that the new access would be safer and more logical than the existing.

3.2 **Barley Parish Council –**

“Barley Parish Council have no objection in principle but would ask that Highways are satisfied that there is no conflict with the adjoining property's existing access - which not only serves their property but will also be the access for the new offices currently being built on their site too - This is in very close proximity to the proposed new access for Wellside Cottage.”

3.3 **HCC Highways** – No objection subject to condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a detached two-storey dwelling on the north-west side of Smiths End Lane in a rural part of Barley, the site is within the rural area beyond the greenbelt. The site is in the Barley Conservation Area.

4.1.2 The dwelling is on a large plot and is set back from the highway by approximately 33m. Due to its orientation and position on the bend, the dwelling side elevation is predominantly seen when driving towards the dwelling from the Barley High Street.

4.2 **Proposal**

- 4.2.1 Creation of vehicular access off Smiths End Lane and existing vehicular access permanently made redundant and installation of 1.2m post and rail fence on eastern boundary. Provision of new driveway and 3 car parking spaces.

4.3 **Key Issues**

- 4.3.1 The key issues in this case are the design of the development relative to the main dwelling and the impact the development has on the reasonable living conditions of the neighbouring properties and the appropriateness of the works within the Conservation Area.

Principle

- 4.3.2 Policy CGB1 of the Local Plan states the following:

“In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*

- 4.3.3 As the proposed development would relate to an existing residential dwelling, Policy CGB4 provides further guidance:

“Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have 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*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.”*

- 4.3.4 Although the application seeks the alteration of the boundary treatment and access to the property to facilitate a more optimal use of the dwelling and curtilage. I do not consider that

the application falls under Policy CGB4 as the existing land is under use as residential curtilage (garden) and would remain as so.

- 4.3.5 I therefore consider that the proposed development is acceptable in principle within the Rural Area Beyond the Green Belt and is compliant with Policy CGB1 of the Local Plan.

Design

- 4.3.6 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. This is echoed in Section 12 of the NPPF, where paragraph 130 states that developments should function well and add to the overall quality of the area and be sympathetic to local character.
- 4.3.9 The proposal seeks to relocate the drive and access from the side of the dwelling to serve the front of the property. Seeing as the proposal seeks a trade-off on hardstanding by removing the existing driveway and planting a hedgerow in its place. I do not consider that the proposal would be harmful to the rural character of the Conservation Area, nor harmful to the character or appearance of the street scene. The proposal is therefore compliant with Policies D1 and HE1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.10 The neighbouring properties are set back sufficiently from the site. It is my view that this development would not result in any harm to neighbouring amenity.
- 4.3.11 The site features a large garden; the acceptable design and scale is appropriate for the local context and therefore would not cause any harm on the amenity of future occupiers.
- 4.3.12 This development is therefore considered in accordance with Section 12 of the NPPF.

Environmental Implications

- 4.3.13 The proposed development would be consistent with the criteria set out in Local Plan Policy D1 '*Sustainable Design*'. There are no other significant environmental implications as a result of the proposed development.

Parking

- 4.3.16 The proposal would implement 3 parking spaces to the front of the dwelling which would satisfy policy T2 of the Local Plan.

Highway Safety

- 4.3.17 Hertfordshire County Council Highways Authority were consulted on this application. Their officer has raised no objection to the proposal

Biodiversity

- 4.3.17 Although the proposal would require the removal of two trees (1x monkey puzzle tree and 1x laburnum). In my view, these trees are not of significant quality or of public amenity value to

the warrant the further protection afforded by a Tree Preservation Order. Given that this is a household application which is exempt from Biodiversity Net Gain, I do not consider that it would be reasonable to refuse on this basis.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and in accordance with Policies SP1, SP9, D1, D3, HE1 and T2 of the NHLP 2011-2031 and Sections 2, 12 and 14 of the NPPF 2023.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

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

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

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

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

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

3. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the new vehicle access/driveway gradients and associated highway works concerning the visibility splays, closure of the existing redundant vehicle access, etc. in accordance with the hereby approved plans. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before use of the new vehicle access.

Reason: To ensure the provision of a vehicle access is safe, suitable, and sustainable

for all highway users.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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