

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02167/FP	Erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding.	Old Generator House Mill Lane Hexton Hertfordshire SG5 3JE

Submitted Plan Nos

2023-25-04 2023-25-02 2023-25-01 2023-25-03

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 19/02051/FP: Change of use and conversion of vacant farm workshop to create two small apartments for occupation by the estate under game-keepers. Provision of vehicular access and parking area. Granted 17th March 2020. Development not implemented.

2.2 20/01871/FP: Conversion and extension of vacant farm workshop to create one 3-bedroom dwelling for residential occupation by the Hexton Manor Estate, provision of vehicular access, parking area to rear of site and erection of detached garage. Refused 30/10/20

2.3 23/01598/PRE: Conversion of three outbuildings into three extended residential dwellings with associated parking and landscaping. Advised acceptable subject to reduction in extension to side.

2.4 23/02726/FP: Change of use and conversion of existing outbuilding to one 3-bed dwelling to include single storey side and rear extensions, parking and landscaping. Granted 30/08/2024. Not implemented.

3.0 **Representations**

3.1 Hertfordshire Ecology

Advises that application can be determined with no ecological objections .

Recommends barn owl and breeding bird mitigation plan condition, an ecological measures condition and the standard BNG condition.

3.2 Herts Highways

'No objection' Recommends a condition and informatives

3.3 Hertfordshire Gardens Trust

Raises several concerns (see details in full letter on file and web site). There comments are summarised as follows:

"Overall, the proposed development represents a moderate level of less than substantial harm, as it removes the Old Generator House's place as a 'service' building, thereby eroding the estate village setting of the RPG. The transition between designed landscape parkland and the village is one of the key characteristics that gives Hexton Manor its historical significance. Whilst we acknowledge that there is some public benefit derived from conversion to a dwelling, the proposed design does not respect the place of the Old Generator House in the wider estate landscape. We urge that more modest proposals are put forward".

3.4 NHDC Environmental Health (Contamination)

Recommends a precautionary contamination condition in the event that any contamination is found during construction.

3.5 Hertfordshire County Council (Historic Environment Advisor)

Advises no comments to make.

3.6 NHDC Conservation officer

No objections to demolition given the previous consent for an extension and conversion. However comments as follows on the access and parking:

'The previous consented scheme did not propose a break in the existing front boundary of wall. This wall at present is unbroken bar the existing pedestrian gate and makes a positive contribution giving a sense of enclosure to the model farm complex and to the character and appearance of the conservation area. The proposed new access is considered to cause less than substantial harm at a high level with no tangible public benefit flowing from this.

Therefore, the scheme as it stands is not supported for the reasons given'.

'The proposals would not preserve the character and/or appearance of the conservation area and therefore does not comply with section 72 (1) of the Act.

That the application does not comply with the relevant heritage policy and therefore unless there are sufficient planning reasons, it should be refused for this reason..

*There are **OBJECTION/S**. The scheme will not satisfy the provisions of Sections 16(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031'*

3.7 Site Notice / Neighbour consultation:

Comment from occupier of 4 Adstone Road, Caddington and Mr Knight of 12 Gliders Sawbridgeworth requesting the insertion of swift bricks

3.8 Hexton Parish Council
No comments received

3.9 Historic England
Advise that they do not wish to offer advice.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The Old Generator House 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 large plot (1640 sq metres) fronting Mill Lane. The building is redundant from its original use as a plant room providing power to Hexton Manor and has been used as a workshop and stables. The building is brick built with a cement render and slate roof. The building has several window openings. The building has a floor area of 57 sq metres. There is a pedestrian access that serves the building through the boundary wall that fronts Mill Lane. The building has no apparent vehicular access onto Mill Lane. Recently the site has been cleared of vegetation.

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 but adjacent to the Category A settlement of Hexton.

4.2 **Proposal**

4.2.1 The proposal is for the erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding.

The building would be a three bedroom residential property and parking is proposed at the front off Mill Lane. .

In detail the proposals involve:

- ☐ A 50% increase in volume is proposed and 75% increase in floor area
- ☐ The new building would have pitched gabled roofs.
- ☐ The walls of the proposed building will be rendered. Buff brick plinth below.
- ☐ Windows will be timber sliding sash to match existing generally with black clad mullions and framing.
- ☐ Conservation style rooflights in the existing building (to a new first floor) and the side extension
- ☐ New landscaping to front boundary
- ☐ 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 Hexton is a small village located within the Green Belt. The Green Belt designation in the current local plan includes the application site.

4.3.4 Policy SP5 of the Emerging Local Plan states at paragraph c) that the LPA :

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;

The application site is currently within the Green Belt . The site does constitute previously developed land and the proposed replacement building by reason of its siting over the footprint of the existing building and limited additional footprint, as well as close proximity to other buildings to the north and south and opposite, would not cause substantial harm to the openness of the Green Belt. Therefore the proposal falls within exception g) of paragraph 154 of the NPPF and would therefore not be considered inappropriate development.

4.3.5 Furthermore the proposed site is likely to be considered Grey Belt land as it is previously developed and the characteristics and location of the site mean that it does not strongly contribute to any of the purposes a), b) or d) in paragraph 143 of the NPPF. The proposed development would satisfy all the relevant criteria of paragraph 155 of the NPPF.

4.3.6 The site also benefits from an extant planning permission to extend the existing building to form an identical dwelling to that now proposed as a completed redevelopment. This is a credible and realistic fallback position that can be given significant weight.

4.3.6 In the light of the above conclusion no very special circumstances are required to be demonstrated.

4.3.7 Other harm to the Green Belt

4.3.8 In design terms the proposed dwelling is sympathetic to the location and setting of the Conservation Area and Registered Park and Garden in height, form, proportions, roof type, window details and materials and would not consequently be harmful to the character and appearance of the area.

4.3.9 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

4.3.10 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 a limited increase in volume at the site and there would be no direct effect upon the openness of the site and therefore any additional harm to the openness of the Green Belt. In terms of the visual impact, whilst the dwelling would be visible from the road so is the existing building. 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.

4.3.11 **Impact on the character and appearance of the area**

4.3.12 The existing building and its landscaped curtilage has been a feature of the village for many years. It has however been redundant for many years and the site has become overgrown and unmanaged. Its redevelopment as a dwelling would be compatible with the dominant residential uses along the main village street. Indeed, there is no objection in principle to residential development on the site (as acknowledged by the previous consents to convert and extend the building to form residential accommodation).

The main difference between this scheme and the previous extension and conversion scheme under ref: 23/02726/FP is that a new crossover is proposed and the front boundary with Mill Road opened up and a car parking area and hardstanding proposed in front of the proposed dwelling.

Under a previous scheme for the residential conversion of the building (ref: 19/02051/FP the case officer considered that the creation of a vehicular access in front of the building off the main road would have an adverse impact on the Conservation Area commenting as follows:

'Other work includes the forming of a new vehicular access and hard standing for two cars. The existing front boundary wall runs beyond the application site and is very much part of the character of the street. The site is open grass to the north of the building and occupied by a tight clump of trees and bushes to the south. I consider the removal of part of the wall and the laying of a hard surface at the front of the site, as proposed, would have some adverse impact on the appearance of the conservation area. The Conservation Officer has suggested that it may be worth exploring the formation of an access to the rear, though the Hexton Manor estate.'

As such the case officer recommended a condition requesting the formation of an access to be agreed. Accordingly condition 3 of planning permission ref: reads as follows:

Before the first residential occupation of any part of the building, a report shall be submitted to and approved in writing by the Local Planning Authority, exploring alternative options for providing vehicular access to the site. This shall include consideration for providing access via a track running to the rear of Hexton Lodge. The report shall also include detailed drawings of any proposed route, including surface materials and any gates. The approved means of access shall be implemented on site prior to the residential occupation of the application site. Reason: to ensure a vehicular

access is provided that would not have an adverse effect on the character and appearance of Hexton Conservation Area and to ensure a vehicular access is provided prior to the residential occupation of the Old Generator building

With this current application the Council's Conservation is of the same view raising an objection to the new vehicular access and parking area at the front of the site. Therefore for consistency purposes it is considered that the same condition as used above should be attached to this current application.

A condition withdrawing permitted development rights for extensions, outbuildings, hardsurfacing and fences would ensure that the character of this part of the village is maintained.

Apart from the proposed new vehicular access and front garden parking area, the proposal would result in an enhancement to the site 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.

4.3.13 Heritage impact

- 4.3.14 The key heritage assets affected are Hexton Manor (Grade II), the Registered Park and Garden and the Hexton Conservation Area. The grade II listed pump at the front of the site would not be affected by this development.

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). There are no nearby listed buildings other than the post box at No. 1 Ivy Cottages and the roadside pump the neither setting of which would be affected. The site has no longer any historical or functional connection with Hexton Manor a listed building to the east and the building would not affect the setting of that residence due to its distance from the site.

Subject to a satisfactory alternative means of access which can be achieved via Hexton Lodge as previously proposed, the impact of the proposals on the significance of the Conservation Area and the setting of the nearby listed buildings would be neutral.

Given the limited scale of the redevelopment as well as the general enhancement of the site and immediate grounds it is not considered that the proposal will have any negative impact on the Registered Park and Garden.

4.3.15 Environmental issues

- 4.3.16 The building was previously used as a boiler room and workshop and it is likely that there will be some contamination both within the building and the site area. The application is not accompanied by any contamination report that confirms that the site is at low risk or free from any contamination. On a previous application on this site the Council's Environmental Health officer has requested a precautionary contamination condition. As such and given the proposed residential use of the site I am of the opinion it would be appropriate to attach a land contamination condition should permission be granted for this development.
- 4.3.17 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.
- 4.3.18 The site is within the Chilterns AONB.
- 4.3.19 The Chilterns Conservation Board do not offer any comments. I consider that the proposal will use materials as set out in the Chilterns Buildings Design Guide and that surfacing around the curtilage could be low key and blends to the landscape. I consider that the hardsurfacing materials and other landscaping aspects of the proposal could be dealt with by planning condition. Overall it is considered that the proposal would have no direct affect on the natural beauty of the area or the Chilterns AONB in general.
- 4.3.20 Living conditions
- 4.3.21 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.
- 4.3.22 The nearest affected neighbours are those at Hexton Lodge however the proposed dwelling is separated from Hexton Lodge by such a distance so as to not result in any adverse impact on the living conditions of the adjoining occupiers.
- 4.3.23 Highways, access and parking
- 4.3.24 The existing generator 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 land is within the ownership of the applicant's therefore it is still feasible for an alternative means of access to be provided through this land to the rear of the site.

The Highway Authority raise no objection to the access arrangements however an alternative means of access is required to meet the Conservation officer's concerns. Sufficient parking to meet the needs of the occupants can be provided at the rear and the detail of this can be secured under the suggested alternative means of access condition.

Refuse vehicles will not be able to access the site directly however bins can be placed on the highway verge in the front of the site via the proposed footpath link as would be the normal procedure for dwellings in the village centre.

4.3.25 Biodiversity

- 4.3.26 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 barn owl mitigation plan. The area around the site will be kept open and landscaped and it is likely that through the additional landscaping there will more than likely be a net gain to biodiversity.

4.3.27 Climate Change

- 4.3.28 The proposed development, by virtue of its limited scale together with the sustainable location 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.

4.3.29 **The Planning Balance**

- 4.3.30 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.
- 4.3.31 The proposal enhance the character and appearance of the site. 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.
- 4.3.32 The proposal is not considered inappropriate development in the Green Belt.
- 4.3.33 There would be no harm to designated heritage assets subject to the access issue being resolved by condition. The impact would be neutral in my view
- 4.3.34 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. Notwithstanding the submitted details and before the first residential occupation of any part of the building hereby approved, a report shall be submitted to and approved in writing by the Local Planning Authority, exploring alternative options for providing vehicular access to the site. This shall include consideration for providing access via a track running to the rear of Hexton Lodge. The report shall also include detailed drawings of any proposed route, including surface materials and any gates. The approved means of access shall be implemented on site prior to the residential occupation of the application site.

Reason: To ensure a vehicular access is provided that would not have an adverse effect on the character and appearance of Hexton Conservation Area and to ensure a vehicular access is provided prior to the residential occupation of the Old Generator building.

4. No part of the existing front boundary wall shall be removed without first obtaining the prior approval of the Local Planning Authority.

Reason: in the interest of the appearance of the site and its impact upon the character and appearance of Hexton Conservation Area.

5. 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 larger than the original, 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.

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 and B of Part 2 (Minor Operations) 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.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031

9. Prior to the commencement of works hereby permitted a Barn Owl and Breeding Bird Mitigation 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 scheme.

Reason: In the interests of nature conservation. To comply with Policy NE4 of the Local Plan

10. All ecological measures and/or works shall be carried out in accordance with the details contained in the May 2024 Emergence and Activity Bat Survey as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that works are ecologically sensitive and do not result in adverse impacts to protected species.

11. 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.

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

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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	