

COMBINED PLANNING AND HERITAGE STATEMENT TO ACCOMPANY AN APPLICATION FOR THE ERECTION OF A DETACHED SELF-BUILD RETIREMENT DWELLING WITHIN THE CURTILAGE OF IVY'S COTTAGE, SMITHS END LANE, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8LH FOR MR ANDREW NOADES THE OWNER AND OCCUPIER OF IVY'S COTTAGE

1.0 THE APPLICATION SITE

- 1.1 This application site is presently part of the large roughly square shaped garden area of Ivy's Cottage, a detached two storey property located along the western side of Smiths End Lane, within the village of Barley. The existing property is of a traditional design and the garden, which is slightly elevated from the road level, is located behind a 2+ metre high boundary hedge.
- 1.2 The property is not listed but the site is within the Barley Conservation Area and is immediately adjacent to Ravello Rose Cottage which is Grade II listed. Smiths End Lane comprises a linear ribbon section of development running southwards from the village centre. It is surrounded by arable agricultural land consisting of large enclosed fields.
- 1.3 Barley is a Category A village as defined in the Local Plan with a Settlement Boundary. The application site is not within that boundary, lying to the south, in the Rural Area beyond the Green Belt. This issue will be discussed later in this statement.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In March 2022 an application was submitted in outline form for the erection of a two storey dwelling and garage in the garden of Ivy's Cottage. Upon submission, the Council felt that it was not able to consider the application without it being accompanied by details of the appearance, scale and layout of the dwelling. Those details were submitted and the application (reference 22/00852/OP) was refused on 15th September 2022 for the following reason:

The application site has remained undeveloped since the first edition OS approximately 150 years ago. Ravello Rose and other listed buildings nearby have enjoyed an edge-of-countryside

setting since the Barley Conservation Area was designated in 1969 and this cluster of heritage assets together with the verdant gap between Ivy's Cottage and Ravello Rose, make a positive contribution to the character and appearance of the area. In contrast, the height, form, fenestration and position of the proposed dwelling would not make a positive contribution to Ravello Rose's setting or respond positively to Ivy's Cottage and would have an erosive impact upon the character and appearance of the Barley Conservation Area. The proposal would occasion some limited harm to the setting of Ravello Rose harming this building's significance. The proposal would fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and the aims of Policy HE1 of the emerging North Hertfordshire Local Plan 2011-2031 Incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021).

2.2 No appeal was lodged against that decision.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 This application proposes a self-build dwelling, to be constructed by the applicant for his and his family's own occupation. This is shown on drawings NOA/25/01, 25/02 and 25/03. Drawing 01 shows the existing dwelling, its large southern garden and landscaped frontage onto Smiths End Lane. Drawing 02 shows the siting of the new dwelling within its plot and its relationship to Ivy's Cottage to the north and Ravello Rose, the Grade II listed cottage to the south.
- 3.2 The dwelling has been positioned in the south-west corner of the plot, with its frontage facing north-east. This differs from the more centrally positioned dwelling that formed part of the unsuccessful 2022 application. The existing access onto Smiths End Lane would be utilised, turning southwards to serve the parking spaces and turning area, behind the existing front landscaped boundary.
- 3.3 Drawing 03 shows the floor plans and elevations of the new dwelling. It would be a modest two bedroomed 'cottage' styled dwelling of a more traditional design than previously proposed, built with rendered walls above a red brick plinth and below a

natural slate roof. It incorporates half-timbered gabled roof dormers and a front porch. A small lean-to roofed utility room is attached to the northern side.

- 3.4 The dwelling has been orientated with its principal elevation facing north-eastwards toward Smiths End Lane and its rear south-west facing elevation taking advantage at ground and first floor levels of the views in this direction. The ground floor would accommodate large bi-fold windows serving the two bedrooms and a recessed balcony at first floor level serving the living room. Windows in the two side facing elevations would be small and opaque glazed serving the en-suites and toilet.

4.0 THE POLICY CONTEXT

- 4.1 The reason for refusal of the application in 2022 cited the failure of the development to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and the aims of Policy HE1 of the emerging North Hertfordshire Local Plan 2011-2031 incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021).
- 4.2 Whilst the aims of the NPPF relating to heritage assets have not changed, the North Hertfordshire Local Plan 2011-2031 has now been adopted and includes Policy HE1 – the provisions of which will be considered shortly.
- 4.3 Although Barley is a Selected Village the application site lies outside the main area of the village as identified on the Proposals Map. Therefore, for policy purposes, the site is located within the rural area outside the Green Belt.
- 4.4 **Policy 6** deals with the Rural Area beyond The Green Belt and states that in Rural Areas beyond the Green Belt the Council will maintain the existing countryside and villages and their character. A development proposal will normally be allowed only if it meets certain listed criteria. One of the mutually exclusive criterion is where it involves a single dwelling on a small plot located within the built core of the settlement, which would not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas.

- 4.5 In assessing the previous application for a single dwelling against **Policy 6** the case officer stated that:

The development at the southern end of Smiths End Lane is not 'sporadic' nor is the site read as being in an area of attractive countryside. The site is an open, grassed, large side garden to Ivy's Cottage but it is not identified as an important open space and the plot sits behind a well-established Laurel hedge and well-treed frontage. The development would also not, in my opinion have any significant bearing upon the four terraced properties on the opposite side of the road.

- 4.6 It is noticeable then that the previous application was not refused in principle, and therefore did not conflict with the aims of Policy 6.

- 4.7 **Policy HE1** deals with designated heritage assets. It states that:

Applications relating to designated heritage assets or their setting shall be accompanied by a Heritage Assessment/Justification Statement that:

- i. Assesses the significance of heritage assets, including their setting;*
- ii. Justifies and details the impacts of any proposal upon the significance of the designated heritage asset(s); and*
- iii. Informs any necessary measures to minimise or mitigate against any identified harms.*

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
- b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*
- c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the*

public benefits of the development, including securing the asset's optimum viable use.

Where substantial harm to, or loss of significance, of a designated heritage asset is proposed the Council shall refuse consent unless it can be demonstrated that the scheme is necessary to deliver considerable public benefits that outweigh the harm or loss.

- 4.8 **Section 66(1)** of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions.
- 4.9 **Section 72 (1)** of the Planning (Listed Building and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 4.10 **Section 16** of the recently publicised NPPF (December 2024) deals with conserving and enhancing the historic environment and at **paragraph 207** states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

- 4.11 **Paragraph 208** goes on to state that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 4.12 This statement will now address the material issues arising from the Council's consideration and refusal of the application for a new dwelling on the site in 2022 and then look at the extent to which this revised application addresses those issues.

5.0 THE MATERIAL ISSUES

- 5.1 These were identified by the case officer in 2022 as:

The principle of development, impact on heritage assets (including design, appearance, siting and scale), residential amenity, occupier amenity, ecology and biodiversity, trees and landscaping, highways and parking, climate change, other environmental considerations and the 'planning balance'.

- 5.2 In every respect other than the heritage asset and design issues the case officer found the development acceptable, subject in some cases to appropriately worded conditions covering individual elements.

- 5.3 On the basis of his overall assessment of that development the case officer identified **three specific matters** which were of concern:

- 1. Although Ravello Rose effectively turns its back on the application site, the same cannot be said of Ivy's Cottage, which appears was designed intentionally to have a significant southerly outlook considering that views were expressed in 1994, 1999 and 2001 that a single dwelling located to the north of the plot would be acceptable but two dwellings across the width of the plot would not. The relationship between Ivy's Cottage and the proposed build is a key point which has not been sufficiently addressed.*
- 2. Next, the proposed dwelling, has a rather complex and non-traditional built form with integral garage, which is effectively forced into not having north facing fenestration to respect Ivy's Cottage south facing aspect. I do not share concerns received during the consultation process, regarding the building being boarded.*
- 3. Considering the new internal boundary alignment, how accessible would the integral garage be?*

In the light of these 3 issues the next section of this statement will look at each one in turn, addressing the concerns about the relationship between Ivy's Cottage and the proposed dwelling, the complex and non-traditional form and access to the garage.

5.4 The relationship to Ravello Rose and Ivy's Cottage.

- 5.4.1 The reason for refusal of the previous application stated that the height, form, fenestration and position of the proposed dwelling would not make a positive contribution to Ravello Rose's setting or respond positively to Ivy's Cottage and would have an erosive impact upon the character and appearance of the Barley Conservation Area.
- 5.4.2 The relationship between Ivy's Cottage and the proposed building was a key point in the 2022 application, which the case officer said had not been sufficiently addressed. In that application the new dwelling occupied a central position in the plot, whereas in this application it is positioned within the south-western corner of the site, where the southerly outlook from Ivy's Cottages would not be compromised.
- 5.4.3 It was acknowledged by the case officer that Ravello Rose effectively turns its back on the application site. Ravello Rose Cottage is Grade II listed. It is described on the Statutory list as:

House, at one time 2 or 3 dwellings. Early C18, altered in early and later C20. Clay lump, predominantly chalk. Roughcast. Steeply pitched thatched roof. 4 bays. 2 storeys. Horizontal sliding sashes in flush moulded frames with some small pane casements. Ground floor has 2 early C20 porches converted to bay windows with small pane glazing, sham framing in tiled gabled heads. Central axial ridge stack. Left end hipped outshot with a plank door and a 3 light casement in return. Right end machine tiled lean-to outshot with an early C20 tiled entrance porch. Exposed plates in gable ends. Interior: runout chamfered axial bearer.

- 5.4.4 It is described as being 'included for group value'. The improved relationship of this revised dwelling would not harm the setting of Ivy's Cottage and its siting in this application would similarly not harm the setting of Ravello Rose Cottage or any architectural or historic features of its significance or its group value.

- 5.4.5 In terms of the character and appearance of the Barley Conservation Area, in the Conservation Area Character Statement Smith's End has been considered separately from the rest of the Conservation Area, due to the physical separation of the two built-up areas. Whilst this separation is physical the character statement states that there is a clear continuity of character, building styles, types, tree coverage and location, boundaries and relationships to the road passing through the village.
- 5.4.6 The Conservation Area Map identifies key views within the village. KV10 is the view from the southern boundary of the Conservation Area along Smith's End Lane, looking north. This view shows the soft boundaries of properties and the lack of kerbs separating grassed margins from the road surface. The trees within the planted boundaries also contribute to the character of the street. The development proposed in this application will not change that view in any way.

5.5 The revised design

- 5.5.1 The 'rather complex and non-traditional built form with integral garage' of the previous application, which the case officer felt was inappropriate for this site has been replaced with a simpler, more traditional design approach. In this way, combined with all other aspects of the development, the clear continuity of character, building styles, types, tree coverage and location, boundaries and relationships to the road passing through this part of the village, identified in the Character Statement as being the character of Smiths End, would be preserved.
- 5.5.2 In this context the proposed dwelling in this revised application will meet the requirements of Policy HE1 of the Local Plan, Sections 66(1) and 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 16 of the recently publicised NPPF (December 2024).

5.6 Access to the garage

- 5.6.1 The third specific matter which was of concern in respect of the previous application was the internal boundary alignment and how accessible the integral garage would be. In this application the dwelling will not have an integral garage. The existing access will

be utilised to serve the parking and turning area shown on the proposed site plan.

- 5.6.2 Having addressed the three specific matters which were of concern to the case officer when a previous application for a dwelling was refused, it is submitted that the reason for the refusal of that application has now been overcome in this submission.

6.0 OTHER MATTERS

- 6.1 In addition to the 3 areas of concern with the previous scheme, the case officer highlighted residential amenity, occupier amenity, ecology and biodiversity, trees and landscaping, highways and parking, climate change, other environmental considerations and the 'planning balance'.

6.2 Residential and occupier amenity

The new dwelling continues to be sufficiently distant from the existing properties and orientated such that there would be no unneighbourly impacts arising from its location in the south-western corner of the plot. It would have its principal aspects facing north-east and south-west. Windows in the two side facing elevations would be small and obscure glazed serving the en-suites and toilet.

The existing property will retain a sufficiently large enough amenity and private garden space for the occupiers of Ivy Cottage. The proposed property will conform to the National Space Standards and will also provide adequate private amenity space for its occupiers. As with the previously proposal there should be no objections in relation to this issue.

6.3 Biodiversity, trees and landscaping

It is understood that as this application is being made for a self-build development then it is exempt from the need to achieve a 10% Biodiversity Net Gain. The application is however accompanied by an Ecological Appraisal prepared by ELMAW Consulting. The site is not within any nature designations and, like

the previous application, is not anticipated to have any adverse impacts on protected species. In the event of planning permission being granted, this could be secured by including a condition requiring a Landscape and Ecological Management Plan (LEMP).

In terms of landscaping, the existing strong front hedgerow boundary with Smiths End Lane and trees behind it would not be affected by the positioning of the dwelling. No trees along the south-western boundary would be removed and others protected during construction, should the need arise. This too could be achieved through an appropriately worded condition on the planning permission.

6.4 Highways

It is hoped that there would be no highway objection from the County Council's Highways Section based upon the use of the existing access to serve the new dwelling.

7.0 THE SELF-BUILD ELEMENT

- 7.1 It is the intention of the applicant to construct the proposed dwelling as a self-build development. The NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups include people wishing to commission or build their own homes, which is the case here.
- 7.2 Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Self and custom-build properties could provide market or affordable housing.
- 7.3 **Policy SP8** of the Local Plan deals with housing and states that 56 plots on specified Strategic Housing Sites will be provided over the plan period to help pro-actively address demand for self-build development. Ivy's Cottage might not be a strategic housing site, but there does not seem to be a policy within the Local Plan that deals with individual sites for self-build such as this one. Similarly

the Council's Guidance Note does not cover single self-build plots for individuals outside of the strategic housing sites.

- 7.4 It is also our understanding that the Council is unable to demonstrate that it has a 5 Year supply of Housing Land. In such a circumstance the NPPF advises that planning permission should be granted unless the adverse impacts of a development 'significantly and demonstrably outweigh the benefits of the proposal'. In this case, given the substantial changes that have been made to the siting and design of the proposed dwelling there are no adverse impacts of this development that would outweigh the considerable benefits of adding another dwelling to the Council's 5 year housing land supply.

8.0 SUMMARY

- 8.1 It was established at the time of the previous application in 2022 that there were no objections in principle to the erection of a single dwelling in this location. The case officer identified 3 concerns that led to the refusal of that application. Those concerns were the relationship between Ivy's Cottage and the proposed dwelling, the rather complex and non-traditional built form with its integral garage and how accessible the integral garage would be.
- 8.2 These have all been addressed in the submitted plans and explained throughout this statement. On that basis there should therefore be no objection to the new development of one self-built dwelling in this location.
- 8.3 As the proposal would **preserve**, and thus have a neutral effect on the heritage asset, the public benefits of the proposal do not need to be weighed in the balance, as ordinarily required under paragraph 214 of the National Planning Policy Framework (2024).
- 8.4 In addition the Council's failure to achieve a 5 year housing land supply adds even more weight to the planning balance, tipping it heavily in favour of the grant of permission for this revised scheme. That being so we hope that the application can now be progressed to a favourable outcome. However, in the event of any clarification being required in respect of any aspect of the revised scheme then don't hesitate to advise us before a decision is taken upon it.

Alan Breckon
January 2025