

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01404/FP	Relocation of boundary fence to enclose former amenity land within residential curtilage (Development already carried out)	20 The Brambles Royston Hertfordshire SG8 9NQ

Submitted Plan Nos

Location Plan Previous Site Plan Proposed Site Plan Fence Elevation

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places

2.0 **Relevant Site History**

- 2.1. 95/00750/1HH - Two storey side extension.

Conditional Permission.

3.0 **Representations**

- 3.1. **Site Notice and Neighbour Notifications** – One received in objection stating:

I feel this may set a precedent for enclosing amenity land for one's own benefit. The boundary has already been changed... the pathway was more attractive with greenery both sides, now just an ugly fence at one side. If every property that bordered onto "amenity land" decided to enclose it I feel it would be unfair and unattractive, amenity land is left undeveloped for a reason.

- 3.2. **Royston Town Council** – No objection.

- 3.3. **HCC Rights of Way** – None received.

4.0 **Planning Considerations**

4.1. **Site and Surroundings**

- 4.1-.1. 20 The Brambles is a two-storey detached dwelling on the south-west side of The Brambles, the site is bordered by a public footpath to the west. The application site is not situated within a Conservation Area or within the Green Belt. The dwelling does not have permitted development rights.

4.2. **Proposal**

- 4.2.1 Planning permission is sought for the relocation of boundary fence to enclose former amenity land within residential curtilage (Development already carried out)

4.3. **Key Issues**

4.3-.1. The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the locality.
- The impact that the proposed development would have on the living conditions of neighbouring occupiers.
- The impact that the development would have on the environment.

4.3.2. The proposal seeks to retain the moved fence line and convert the gained into residential amenity land for the private use of the dwelling. Prior to the development being undertaken, the land was currently in use as passive area to the side of the public footpath. As existing, the footpath narrows significantly to the north of the site which in my view sets a precedent for this proposal. In addition, the existing land is of little public use and therefore the change of use of this space by enclosing this area for a private garden would offer better use of the space in my opinion. I note the neighbour's concern that this would set a precedent, but I disagree on the basis that this is an unusual layout with the previous corner of land by the footpath being previously amenity land. In any event, each case would be treated on its merits.

4.3.3. Furthermore, the relocated fence line is set off the footpath by a margin which in my view mitigates the encroaching harm. The footpath benefits from additional passive space to the west which is not bordered by any residential dwellings and therefore unlikely to be lost in the future. No other harm to amenity is identified.

4.4. **Conclusion**

4.4-.1. The proposed development is considered acceptable and would comply with the necessary provisions sets out within the North Herts Local Plan 2011-2031 and the National Planning Policy Framework (2021). Recommend granting conditional permission.

4.5. **Alternative Options**

4.5-.1. None applicable.

4.6. **Pre-Commencement Conditions**

4.6-.1. None applicable.

5.0 **Recommendation**

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

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. 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  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 3 September 2024	