

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00308/FP	Change of use of existing paddock to residential garden.	The Thatched Cottage Smiths End Lane Barley Royston Hertfordshire SG8 8LH

Submitted Plan Nos

ST_Jan 25_TheThaCott_04D

1.0 **Local and National Policy**

1.1 **National Planning Policy Framework (2024)**

Section 2 – Achieving sustainable development

Section 12 – Achieving well-designed and beautiful places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

1.2 **North Hertfordshire Local Plan 2011-2031**

Strategic Policies

Policy SP1 – Sustainable Development in North Herts

Policy SP2 – Settlement Hierarchy and Spatial Distribution

Policy SP5 – Countryside and Green Belt

Development Management Policies

Policy CGB1 – Rural area beyond the Green Belt

2.0 **Relevant Site History**

2.1 There are various applications linked to Grade II listed building known as The Thatched Cottage. There is no planning history applicable regarding the application site.

3.0 **Representations**

3.1 **Press, Site and Neighbour notifications** – None received.

3.2 **Barley Parish Council** – Object to the proposal on the following grounds:

- Application is premature until the PRoW has been diverted.
- Future risk to the land for residential development.

Councillor Prescott originally supported the objection by Barley Parish Council and requested the application be called-in to Planning Control Committee. This call-in has since been withdrawn.

3.3 **HCC PRoW Team** – Application to divert PRoW No.10 received.

3.4 NHC PRow Officer – Comments received in relation to PRow application having been submitted to HCC.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site is located off Smith's End Lane, to the south of the village of Barley, and lies to the rear of The Thatched Cottage, a grade II listed building. To the northeast of the dwelling is an existing detached annex building, beyond which forms the boundary to the property. Along the rear boundary, a timber field gate provides access to Public Right of Way (PRow) No.10. Beyond this, a further timber field gate provides access to the land subject to this application. The northern boundary of the site adjoins the southern edge of the sports pavilion and Barley cricket ground. The southern boundary abuts a field of similar size, within which there appears to have been an extension of the residential curtilage of Rose Cottage which is sited to the south of The Thatched Cottage and also a listed building, however, no evidence of a formal change of use appears to exist. The boundary to the east comprises of open agricultural fields.
- 4.1.2 The Thatched Cottage and the western tip of the annex fall within the Barley Conservation Area. However, the application site itself lies outside of the Conservation Area and is located within the Rural Area beyond the Green Belt.

Public Right of Way

- 4.1.3 The PRow currently runs along the rear boundary of the residential curtilage of The Thatched Cottage and continues northwards across the land beyond. Hertfordshire County Council's PRow Team has confirmed that an application has been submitted to divert the PRow around the perimeter of the application site and along the eastern boundary of the land to the north, where it would connect with an existing PRow.

4.2 Proposal

- 4.2.1 The proposal seeks to change the use of agricultural land to a residential garden. This garden will serve as an extension of the existing garden associated with The Thatched Cottage.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- Whether the proposed development would be inappropriate development in the Rural Area beyond the Green Belt for the purposes of the National Planning Policy and Local Development Plan.
 - The impact the proposed development would have on the character and appearance of the property and the surrounding area.
 - The impact that the proposed development would have on the living conditions of nearby neighbouring properties.

Principle of Development in the Rural Area beyond the Green Belt

- 4.3.2 The site lies outside of any defined settlement boundary and is designated as Rural Area beyond the Green Belt within the Local Plan, where there is a general presumption against development. Policy CBG1 sets out broad categories of development considered acceptable in such locations, including d) Relates to an existing rural building. Whilst no operational development is proposed as part of this application, it can be reasonably argued that the land relates closely to The Thatched Cottage when considered in its wider context. I am therefore satisfied that the proposal is generally in accordance with Policy CGB1 and acceptable in principle.

Proposed use of the land

- 4.3.3 The proposed change of use would not involve any physical development of the land, and any future built development would require the submission of a separate planning application. The proposal would result in the host dwelling benefitting from a larger garden area that would no longer be separated by aPRoW.
- 4.3.4 Extensions to residential curtilages in similar rural contexts are not uncommon, and in this case, the site is relatively secluded, notwithstanding the presence of the PRoW. On this basis, the principle of the change of use is not considered to be harmful.
- 4.3.5 Furthermore, the proposal would preserve the setting of nearby heritage assets, including the Barley Conservation Area and adjacent listed buildings. Given the low-intensity nature of the proposed use, together with its relationship to the surrounding area, the proposal is considered to have an acceptable impact on the character and appearance of the locality and in accordance with planning policies.

Impact on Neighbouring Properties:

- 4.3.6 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.7 I am satisfied that the change of use from agricultural land to form an extended residential garden to The Thatched Cottage would not harm existing neighbouring amenity to any significant degree.

Highways and Parking:

- 4.3.8 The proposal would not impact existing on-site parking provision.

Environmental Implications:

- 4.3.9 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.

- 4.3.10 The proposed development, would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF and Policy D1.

Other Issues

- 4.3.11 An application for diversion of PRow No.10 is pending a decision with Hertfordshire County Council.
- 4.3.12 I have included an informative regarding permitted development rights explaining that these would not be available to the land.

4.4 **Alternative Options**

- 4.4.1 N/A

4.5 **Pre-Commencement Conditions**

- 4.5.1 N/A

4.6 **Conclusion**

- 4.6.1 The proposed development is considered acceptable and in accordance with Policies SP1, SP2, SP5, CGB1, D1 and D3 of the NHLP 2011-2031 and Sections 2, 12, 14, 15 of the NPPF 2023.

7.0 **Recommendation**

- 7.1 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. Details of the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed 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 character and appearance of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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.

Informative/s:

1. It should be noted that permitted development rights as set out in The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) would not apply to land that does not form part of the original curtilage of the dwellinghouse and that any future operational development would require submission of a planning application.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 22 May 2026	