

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03189/FP	Erection of five detached dwellings including parking and landscaping following demolition of agricultural buildings (amendment to previously approved Prior Notification 24/02908/PNQ granted 13.02.2025)	Fear End Fears Green Sandon Buntingford Hertfordshire SG9 0QY

Submitted Plan Nos

222140-PL-0-101-C 222140-PL-0-102-C 222140-PL-0-100-C 222140-PL-1-100C 222140-PL-1-101
222140-PL-1-102 222140-PL-1-201 222140-PL-1-301 222140-PL-1-302 222140-PL-2-100 222140-PL-2-
101 222140-PL-2-102 222140-PL-2-201 222140-PL-2-301 222140-PL-2-302 222140-PL-3-100 222140-
PL-3-101 222140-PL-3-102 222140-PL-3-201 222140-PL-3-301 222140-PL-3-302 222140-PL-4-100
222140-PL-4-101 222140-PL-4-102 222140-PL-4-201 222140-PL-4-301 222140-PL-4-302 222140-PL-5-
100 222140-PL-5-101 222140-PL-5-102 222140-PL-5-201 222140-PL-5-301 222140-PL-5-302

1.0 Policies

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
CGB4	Exist buildings in the RA Beyond GB
CGB1	Rural Areas beyond the Green Belt.
SECN12	Achieving well-designed places
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SP9	Design and Sustainability
T1	Assessment of transport matters
T2	Parking

2.0 **Site History**

- 2.1 24/02360/PNQ Conversion of agricultural buildings into 9 residential dwellings
WITHDRAWN
- 2.2 24/02908/PNQ Conversion of agricultural buildings into 7 residential dwellings PRAG

3.0 **Representations**

- 3.1 **Neighbours** – None received

- 3.2 **Kelshall Parish Council** - *The Parish Meeting welcomes the reduction in the number of dwellings arising from the approval of the conversion of agricultural buildings, from seven to five. However the development now embraces 4 and 5 bedroomed less affordable dwellings and therefore the number of occupants and their vehicles are likely to be similar.*

The Parish Meeting remain concerned at the number of vehicles and traffic arising from this and the further developments along Gannock Road (i.e 25/02883/FP Woodcotes and 25/03120/OP Land at Fears End). With this application a total of 9 new dwellings are to be built in open countryside. We note that on both these sites Highways have expressed concern over accessibility.

The Parish Meeting considers that significant improvements need to be made to the road to allow the addition of 20 or so cars from both the Woodcotes and Fears End sites and many more movements than at present. The three approved dwellings at Manor Farm (19/02388/FP) will introduce further traffic. The road suffers from flooding, pot holing from farm traffic, is single lane most of the way and can be impassable in winter. Residents complain of the antiquated nature of the water mains and their contribution to flooding.

The situation is seriously exacerbated by the inappropriateness of the junction between Gannock Road and Stump Road. This road suffers from frequent traffic diversions from the A505 and is frequently logjammed as traffic is guided by its satnav to perform a turn left into Stump Road if coming from Sandon and a right turn if approaching Sandon from Stump Road. This is of course nigh impossible. The traffic from Gannock Road will by necessity go through Kelshall Village.

If this junction were made into a T junction it would greatly assist the movement of traffic and avoid traffic going through Kelshall village from the A505 or from Sandon . This is a particularly important consideration for traffic movements from the expanding Sandon Bury venue, the configuration of the junction at Gannock/Stump being an impediment to traffic approaching Sandon from the A505 at Odsey, the alternative going through Kelshall North End.

3.3 **Environmental Health** – Conditions recommended

Contamination - Contrary to the assertion in the Planning Statement at section 6.32, the phase 1 land contamination report submitted in support of this development states that a number of plausible risks have been identified, and an intrusive investigation is required. To this end I recommend that the following conditions are placed on any decision notice should you be minded to grant approval.

Noise: The Environmental Protection and Housing Team have no objections to the proposals in relation to noise and other nuisances. However, the application makes reference to air source heat pumps to be installed for the new homes and details of these units would be required in due course, including locations which I cannot see on any of the submitted plans

Local Air Quality: North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning> Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

3.4 **Hertfordshire County Council highways** –

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: The submitted suite of documents (36 in total) does not include a block plan or any drawings illustrating the location of the recycling bins in relation to the five dwellings. In addition, no swept-path analysis has been provided to demonstrate access for delivery vehicles measuring 6 metres in length. Until these drawings are supplied, the Highway Authority is unable to progress or extend the grant of planning permission.

3.5 **Ecology** – Conditions – BNG and Barn Owl box and Bats

Having read the submitted October 2024 Preliminary Ecological Assessment Report (PEAR) and associated bat emergence surveys report it is evident that building (B1) was identified as a maternity roost for pipistrelle bats.

6.28 of the planning statement refers to the PEAR and states that ‘The buildings are considered to offer at the most a negligible level of bat roosting potential. Further surveys are therefore neither necessary nor appropriate in respect of the buildings.’. Going on to say in 6.30 ‘The bat and reptile survey did not reveal any bat emergence from either building and only a very low level of bat activity was recorded around the site generally. It is therefore considered highly unlikely that the redevelopment of the application site would have a significant adverse effect on the local bat population.’

This is confusing as the PEAR is very clear, stating in the conclusion that ‘Bat roosts are present in Building 1 and other roosts may be present or near to the site’. Clarifying further, stating, ‘The development of Building 1 will affect the Common pipistrelle

maternity roost and this is not avoidable due to the location of the roosts within the building. Construction nearby may also cause disturbance to the roost.'. One wonders if the agent actually has had sight of the correct ecological report?

The December 2025 Statutory Biodiversity Metric submitted indicates a 100% loss of habitat units from the site with the planning statement confirming that the statutory requirement for 10% BNG will be met through the purchase of off-site credits which is acceptable given the residential use of the final scheme.

It is acknowledged that planning permission exists for conversion of the agricultural buildings and there would be no ecological objection to this application subject to the following conditions;

- 3.6 **North Herts Waste** - *There has been no clear, concise or highlighted showing of how the waste containers are going to be stored or placed to allow collection. Therefore as a condition we would be expecting the containers to be placed on the kerbside on Fears End Green.*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is located in Sandon, outside of the development boundary and within the countryside. The site is a farmyard which consists of 3 vacant former agricultural buildings, formerly used for housing chickens.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of five detached dwellings including parking and landscaping following demolition of agricultural buildings (amendment to previously approved Prior Notification 24/02908/PNQ granted 13.02.2025)
- 4.2.2 The application proposes the demolition of the existing agricultural buildings (which benefits from Class Q Prior approval consent along with an additional building proposed to be demolished as part of the PNQ), and the erection of five new dwellings. The application would see the removal of the existing redundant agricultural buildings on site, replacing it purpose built residential development.
- 4.2.3 House 1 – 3 bed Gross internal floor space 107 sq m
House 2 – 3 bed Gross internal floor space 107 sq m
House 3 – 4 bed Gross internal floor space 131 Sq m
House 4 – 6 bed Gross internal floor space 190 Sq m
House 5 – 4 bed with study Gross internal floor space 190 Sq m

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- ☐ Principle of Development

- ☐ Previous history
- ☐ Five year land supply
- ☐ Sustainability
- ☐ The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- ☐ The impact that the proposed development would have on the living conditions of both future occupiers and neighbouring properties.
- ☐ The impact that the proposed development would have on highway safety and car parking provision in the area.

Principle of Development

- 4.3.2 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.3 Policy SP2 of the Local Plan sets out the settlement hierarchy and states that the vast majority of new housing development in the district will be located within the settlement boundaries of the districts main towns and larger villages (Category A and above). The site is not within any defined settlement boundary, with the closest of those being Sandon, and as a result, is designated as within the Rural Area beyond the Green Belt. This accepts that the site is in an isolated location away from the main settlements and associated services, which would see future occupiers be solely reliant on private vehicles for the majority of trips. The proposed development fails to comply with Policy SP2 of the Local Plan.

Rural Area Beyond the Green Belt

- 4.3.4 The Local Plan Policy SP2 sets out the hierarchy for new residential development within the District, with the main housing being to allocated sites and then with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of policy CGB2 in category C settlements. This site is located within a rural context which falls outside of the category A, B and C settlements and is an area protected by the designation of Policy CBG1.
- 4.3.5 Under the National Planning Policy Framework (NPPF) and the Planning Acts, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The location in the Rural Area beyond the Green Belt brings a strong presumption against new dwellings unless a strict policy exception is met (Policy CGB1).

- 4.3.6 Policy CGB1 – Rural Areas beyond the Green Belt states that in the Rural Areas beyond the Green Belt, there is a “presumption against new development” unless it meets specific exceptions. Planning permission will “only be granted” where the proposal:
- a) is infill within a built core;
 - b) meets proven local need for community facilities or rural housing;
 - c) is strictly necessary for agricultural/forestry needs;
 - d) relates to an existing rural building;
 - e) is modest rural economic development; or
 - f) provides outdoor sport/recreation/cemeteries that respect the open nature of the rural area
- 4.3.7 The proposed new dwellings are located in an open rural location which generally does not comply with these criteria unless it falls clearly within (a)–(f). Here, the replacement of an agricultural barn with new dwellings “does not clearly meet any exception”: it’s not infill, not proven rural need housing or agricultural/forestry-essential, and it goes beyond merely relating to an existing rural building.
- 4.3.8 Policy CGB4 – Existing Rural Buildings, states that even where a building exists, re-use and replacement is tightly controlled to ensure that changes “do not harm the character and openness” of the countryside.
- 4.3.9 Given that the proposal is for the erection of five new buildings, would not fit any of the paragraphs above and is therefore considered inappropriate development in principle, which is contrary to the provisions of policies SP2, CGB1 and CGB4 of the Local Plan. I would find dwellings in this location to be materially harmful to the character of the area and the Rural Area Beyond the Green Belt. I attribute significant weight to this harm.

Previous history and previous appeal decisions

- 4.3.10 While the planning history, including a prior approval, is acknowledged, these do not outweigh the significant conflict with the provisions of the development plan in its current form. The planning merits of the application must be assessed against up-to-date policies, and the proposal remains unacceptable in the context of those policies as discussed in the following sections.
- 4.3.11 Prior approvals / fallback rights do not automatically justify full planning permission. A prior approval under Part Q is a permitted development rights process, not a planning permission that sets a precedent. One must consider the current proposal on its own planning merits.
- 4.3.12 The approved Class Q application would see the creation of seven dwellings, these would be 2 x 1 bedroom, 2 x 2 bedrooms and 3 x 3 bedroom dwellings. The Class Q proposals would also see the demolition of one agricultural building. Officers acknowledge the existence of the Class Q Prior Approvals. However, these were limited to the re-use/conversion of existing agricultural buildings, which would have therefore not resulted in a materially greater impact on openness of the Rural Area beyond the Green Belt. Moreover, the proposed development is significantly different to these Class Q approvals and no longer seeks to re-use/convert buildings, but instead demolish them and erect an urban and domestic development in its place. Therefore, whilst the existing Prior Approval decisions offer a fallback position and are a material consideration

relating to the principle of residential redevelopment of the site, it is considered that this does not outweigh the identified conflict with Policies SP2 and CGB4 in this respect.

- 4.3.13 The agent has submitted a number of appeal decisions from 2016-2018 as supporting documents where the appeal decisions conclude that the existence of an extant prior approval consent (Class Q permitted development approval) for the same conversion of the barns into dwellings, the Inspectors gave significant weight to this fallback position. A number of the appeals where either rebuilding in the same footprint and in same location and similar appearance, all be it some were with reduced numbers of dwellings as a whole. Also the appeal decisions assume that the implementation of the fallback Part Q conversions schemes were likely and therefore deliverable and that the harm was not materially greater in terms of location, character, or appearance.
- 4.3.14 I have found several recent appeal decisions for example Appeal Decision: 3343480 – East Lindsey District Council - where the inspector acknowledged the existence of a Class Q fallback conversion but nonetheless found that the proposal still conflicted with key Local Plan policies (including sustainable location and settlement strategy). The decision notes that while the Class Q fallback established residential use on the site, the proposal still conflicted with development plan policies, and the fallback did not justify allowing the alternative development on that basis alone. The Inspector did not allow the appeal simply because the fallback existed.
- 4.3.15 Again in a very recent decision - Appeal Decision: 33472531 (APP/R3325/W/24) – Somerset - the inspector considered the appellant's Class Q fallback claim for conversion of a building as a material consideration but explicitly questioned whether the fallback was sufficiently likely to be implemented. The decision highlights that for a fallback to carry significant weight, there must be not just a theoretical possibility but clear evidence of implementation prospects — if this is lacking, then weight afforded to the fallback would be limited.
- 4.3.16 To conclude a fallback under Part Q is a material consideration only if there is a realistic prospect of it being implemented. In the submitted planning statement the agent has stated that the design and appearance of the existing buildings is currently poor and continuing to fall into a state of disrepair. They then go on to say that under the seven units scheme (PNQ) in this location, particularly smaller one bedroom units would not be particularly desirable in this location, away from shops and services. Which makes me question the likelihood or desirability of their conversion as part of the approved PNQ. Even where the fallback would result in a similar or fewer number of dwellings, it does not automatically justify approval of an alternative scheme — particularly where the proposed scheme still conflicts with key development plan policies (e.g., sustainability, design, layout). It can be seen that Inspectors will weigh both the likelihood of fallback implementation and the comparative harm of the fallback vs the proposal before deciding whether to allow an appeal.

Five year land supply

- 4.3.17 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). In The Five-Year Housing Land Supply Update dated November 2025 (pages 17-19) it concludes with two options. Both concluding we cannot demonstrate a 5YHL. Table 10 shows that we can demonstrate a five-year land position of 2.6 years against our adopted housing requirement. This figure falls below the five-year requirement. And Table 11 shows that

we can demonstrate a five-year land position of 3.3 years using the Governments New Standard Methodology. This figure also falls below the five-year requirement. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Sustainability

- 4.3.18 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.19 Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development; however, this is not a blanket endorsement for development in all locations. The application site lies within the Rural Area beyond the Green Belt, where Policy CBG1 of the North Hertfordshire Local Plan restricts new residential development to specific, justified circumstances. The site is located outside any defined settlement boundary and is not within reasonable walking distance of shops, services, employment or public transport. As such, future occupiers would be heavily reliant on the private car for everyday journeys, contrary to the environmental and social objectives of sustainable development set out in paragraph 8 of the NPPF. The proposal would therefore constitute unsustainable, isolated residential development in the countryside, resulting in increased vehicle movements and associated carbon emissions, and would fail to accord with the spatial strategy of the development plan, which seeks to focus new housing in locations with good access to services and infrastructure. Accordingly, the proposal does not attract the presumption in favour of sustainable development.
- 4.3.20 Overall, on the grounds of sustainability, the economic and social benefits of the proposal are very modest in my opinion, which is relative to the scale of development of five dwellings. Moreover, there would be some environmental benefits through the incorporation of sustainable building features. Overall, modest weight is attributed to these benefits.
- 4.3.21 Residential developments should be delivered in the most sustainable locations, connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided.

Design, layout and Landscaping

- 4.3.22 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

- 4.3.23 The site is currently an agricultural farmyard with single storey buildings and siting associated with that use, which is appropriate in this context. The buildings do not necessarily hold any architectural merit, and indeed the buildings proposed for removal are dilapidated, but there is a clear agricultural context in this regard.
- 4.3.24 The proposed dwellings would be large detached two storey dwellings and all would have a generous internal area, with large private gardens. The proposed dwellings would be incongruous in the existing setting and distract from the existing traditional barn like form. The dwellings having a materials palette including render/timber cladding & over brickwork and Zinc/corrugated metal roof. No details have been provided for window details, or details for landscaping or boundary treatment.
- 4.3.25 Officers are of the view that whilst the existing buildings on site are not of high architectural quality, they are clearly agricultural buildings and appropriate in their context. The proposed development would not be appropriate in this location given they are large two storey detached buildings and very different from the existing context in the RABGB. The scheme would be domestic in its layout, form and appearance, which would be visually out of context with the clustered nature and character of the existing agricultural farmyard buildings. The Class Q applications reflected the agricultural context of this site, utilising the existing buildings and their agricultural form and character, whereas the same cannot be said for the proposed development. As such, it is considered that the scheme is poorly designed and would not respond positively to the site's local context.
- 4.3.26 As such, the proposal would be contrary to Policies SP9 and D1 of the Local Plan, and Section 12 of the NPPF in terms of the design and layout of the scheme.

Impact on Neighbouring Properties

- 4.3.27 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 28 of the Local Plan and D3 of the Emerging Local Plan.
- 4.3.28 Given the location of the application site, it is considered that the proposal would not result in any detrimental impact to nearby residential occupiers. The proposed development would therefore be in compliance with both local and national planning policies.

Future Occupiers

- 4.3.29 Policy D1 of the Local Plan states that, amongst other things, development proposals should meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.
- 4.3.30 In terms of potential future occupiers, all dwellings would exceed the nationally prescribed minimum space standards for the number of bedrooms in the dwellings, they would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal

would not result in unacceptable harm to the reasonable living conditions of future occupiers.

Highways and Parking

- 4.3.31 The application site would provide a minimum of 2 car parking spaces per dwelling. The number of spaces would be sufficient to serve the proposed 3 /4 and 6 bed properties in line with the provisions set out within local policy.
- 4.3.32 Fears Green is a typical winding 60mph country road with no footways or lighting. Therefore, it cannot be said to provide a sufficient level of safe and suitable access for pedestrians to and from the site. The potential to support and promote sustainable forms of travel is limited. It is unlikely pedestrians would use Fears Green to access work, shops, schools etc.
- 4.3.33 Policies encourage active travel, which is about 'living locally' and giving people the ability to access most of their needs within an easy walk or cycle from their home, with safe access to cycling and local public transport options.
- 4.3.34 Walking or cycling to and from the site would therefore be neither particularly appealing nor safe. This is likely to discourage occupiers of the proposed dwellings from walking and cycling to local services, also the site is not served by public transport and so no public transport options exist for occupants of the site that could easily access. The nearest bus stops are all over an hour walk, with the Ashwell and Morden station being a 1 hour and 22 minutes' walk. There are a number of accessible leisure public footpaths from the site. Close to the access is the Kelshall 013 footpath with links to Kelshall 018 (BOAT), 017 footpath, and the Kelshall 014 Bridleway. It is unlikely these would be used for anything else but leisure. Accordingly, the development cannot be described as well served by public transport, walking, and cycling opportunities, and the site's situation is not conducive to accessing the development and surrounding area except predominantly by private car.
- 4.3.35 The limited alternative transport options available mean that occupiers of the proposed development would be likely to be highly reliant on one mode of transport, the private car, for a significant majority of their journeys and to serve their daily needs. Consequently, although vehicle movements would only be associated with 5 dwellings in this instance and may therefore not be particularly significant, the site and appeal of the proposal cannot reasonably be described as sustainable in relation to accessibility considerations.
- 4.3.36 With the lack of realistic transport alternatives occupants of the development would have little choice other than to rely on driving to and from the site, neither could the development be regarded as promoting sustainable transport choices and having no adverse environmental impact.
- 4.3.37 This would likely result in treacherous conditions for any future occupiers navigating the roads by foot or cycling during the evenings, winter months or adverse weather fronts, there is no nearby bus stops, or acceptable walking distances to access public transport, services and facilities. On this basis, the proposed development would not enhance or maintain the vitality of the rural community and would lead to the use of unsustainable travel modes and likely to heavily rely on the private car.

4.3.38 Residential developments should be delivered in the most sustainable locations, connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided.

4.3.39 Consequently, the site and its access without the provision of safe and lit footway connectivity with established settlements and public transport are not considered acceptable for residential development in such an isolated location because it is not viable for access by non-car transport modes contrary to all policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.

4.3.40 Following consultation with Herts Highways the following objection was stated

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: The submitted suite of documents (36 in total) does not include a block plan or any drawings illustrating the location of the recycling bins in relation to the five dwellings. In addition, no swept-path analysis has been provided to demonstrate access for delivery vehicles measuring 6 metres in length. Until these drawings are supplied, the Highway Authority is unable to progress or extend the grant of planning permission.

4.3.41 Whilst the agent supplied amended drawing to show the bin locations they were not willing to provide the Swept Path Analysis because as stated in an email dated 26 February

"A full swept path for a fire tender would result in the reduction of the central green area, ultimately it would, to my mind, result in a poorer quality development with more hardstanding and less green space. There is undoubtedly room within the site to achieve this, so if this is preferable, then I could instruct a Transport Consultant to carry this out. But, given that it will result in a poorer quality development, coupled with the fallback position that 7 dwellings can be constructed here without fire tender access, is this a practical approach?"

4.3.42 Full planning permission looks at everything – design, amenity, environment, policy compliance. Class Q is a shortcut for barn conversions, focusing on structural suitability and limited impacts, not full planning policy compliance. Therefore, it is appropriate to consider things such as waste, ecology, sustainability and swept path scenarios as part of a full plans application.

Ecology and BNG

4.3.36 Following consultation with the North Herts Ecologist they concluded that they would have no ecological objection to the proposal. The December 2025 Statutory Biodiversity Metric submitted indicates a 100% loss of habitat units from the site with the planning statement confirming that the statutory requirement for 10% BNG will be met through the purchase of off-site credits which is acceptable given the residential use of the final scheme.

4.4 Conclusion

- 4.4.1 While the Council acknowledges the existence of a prior approval under Class Q for a greater number of dwellings on the site, that fallback position does not justify granting permission for the current proposal. The proposed scheme represents a materially different form of development which gives rise to its own planning impacts and must be assessed against the development plan as a whole. The reduced number of dwellings does not overcome the fundamental locational conflict with the settlement strategy, nor does it address the identified harm to rural character arising from the proposed layout, domestic curtilages and associated infrastructure. The fallback position is a material consideration only insofar as there is a realistic prospect of it being implemented and where the comparative impacts are directly relevant; it does not disapply the development plan or render policy conflict acceptable. In this instance, the harm and policy conflict arising from the appeal proposal remain significant and are not outweighed by the existence of the prior approval fallback.
- 4.4.2 The District does not have a 5 year supply of housing land, therefore in accordance with the NPPF paragraph 11 d) i., the application should be approved unless any adverse impacts of doing so would significantly and adversely outweigh the benefits.
- 4.4.3 The adverse impacts are considered to be harm to the character of the countryside and new development in a more unsustainable location. These harms are considered moderate to substantial individually and cumulatively. The benefits are considered to be the addition of 5 new dwellings, which are considered limited.
- 4.4.4 The site is not within any defined settlement boundary and as a result, is designated as within the Rural Area beyond the Green Belt. The Council acknowledge that there is some merit in the floor space trade-off between the proposed dwellings and the existing buildings. However, the proposed layout, form and appearance would be incongruous within the agrarian and rural setting and would result in a materially greater impact on openness, contrary to the aims of part c) of Policy CGB4 of the Local Plan. The proposed development would be significantly different to the Class Q permitted development and have would have a greater impact.
- 4.4.5 On balance, it is considered that the proposed development is unacceptable in principle. The adverse impacts are considered to significantly and adversely outweigh the benefits, which would be limited. The proposed planning in principle should thereby be **REFUSED** as it would be contrary to applicable policies in the development framework, and no other material considerations would indicate that a decision should be made to the contrary.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposal for five new dwellings outside a settlement boundary in the Rural Area beyond the Green Belt is contrary to Policy CGB1 of the North Hertfordshire Local Plan 2011-2031. The development does not constitute infill within a defined built core, does not meet a proven local rural housing need, is not strictly necessary for agricultural or forestry purposes, nor does it otherwise satisfy the limited exceptions in Policy CGB1. The scheme therefore constitutes unsustainable development in the open countryside.
2. The replacement of agricultural building with five new two storey detached dwellings and their associated domestic plots, would result in an unacceptable change in the character and appearance of the rural landscape, contrary to Policies CGB1 and CGB4 of the North Herts Local Plan 2011 -2031, which seek to protect and conserve the rural area and ensure that re-use/replacement of existing rural buildings is appropriate in scale and impact.
3. While the planning history, including a prior approval and earlier permission, is acknowledged, these do not outweigh the significant conflict with the provisions of the development plan in its current form. The planning merits of the application must be assessed against up-to-date policies, and the proposal remains unacceptable in the context of policies SP2, CGB1, CBG4 of the North Herts Local Plan 201 - 2031 and Hertfordshire Local Transport Plan 4 (LTP4).
4. The application proposal would be located in an area remote from services and facilities such that the occupiers would be almost exclusively reliant on private transport for their everyday needs. This would amount to unsustainable development at odds with the National Planning Policy Framework in its aim to promote sustainable patterns of growth and development and policies in the Council's local plan relating to the same. Accordingly, the scheme is contrary to the core policy, advice and aims set out in the National Planning Policy Framework (NPPF) in seeking sustainable form of development and is contrary to Policies SP1, SP6 and T1 Local Plan, as well as Policy 5 of Hertfordshire's Local Transport Plan-4.
5. The submitted suite of documents (36 in total) does not include a swept-path analysis to demonstrate access for delivery vehicles measuring 6 metres in length. Until these drawings are supplied, the Highway Authority is unable to progress or extend the grant of planning permission.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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: 27 February 2026	