

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00211/FP	Erection of one detached self-contained dwelling including bike store; parking and landscaping	Red Brick Cottage The Street Kelshall Royston Hertfordshire SG8 9SQ

Submitted Plan Nos

Location Plan 758_P01 758_P02 758_P03A 758_P04A 758_P05A

1.0 Policies

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

Section 5 – Delivering a sufficient supply of homes
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

1.1 **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
Policy SP8 - Housing
Policy SP9 – Design and sustainability
Policy SP13 - Historic environment

Development Management Policies

Policy CGB1 – Rural area beyond the Green Belt
Policy CGB4 – Existing buildings in the Rural Area Beyond the Green Belt
Policy D1 – Sustainable Design
Policy D2 – House Extensions and Replacement Dwellings
Policy D3 – Protecting Living Conditions
Policy HE4 – Archaeology
Policy NE4 – Biodiversity and geological sites
Policy T1 Assessment of transport matters
Policy T2 Parking

1.2 **Supplementary Planning Guidance (SPG)**

Hertfordshire County Council's Transport Plan 4 2018-2031; Road in Hertfordshire
Vehicle Parking at New Developments 2011.

2.0 **Site History**

2.1 14/01613/1 - Change of use of land from agricultural/grazing land to domestic equestrian and erection of stable. Conditional Permission. This applies to the land to the rear of the application site.

14/01611/1PUD - Erection of detached double garage. Alterations of numbers 1 and 2 Red Brick Cottages to convert to one single dwelling. Granted. This is the current garage on the application site.

17/00807/1 - Erection of agricultural barn. Conditional permission. This applies to the land to the rear of the application site.

17/01552/1DOC - Condition 3 - Archaeological Written Scheme of Investigation (as Discharge of Condition of Planning Permission 17/00807/1 granted 15/05/2017). Approved.

22/01229/FP - Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022). Refused and Appeal Allowed on 6th September 2023 (Planning Inspectorate Ref: APP/X1925/W/23/3316241). This applies to part of the paddock land to the northwest of the application site and forms part of the land granted for equestrian use under 14/01613/1.

23/02851/FP - Erection of single storey 2-bedroom detached dwelling with associated parking and carport, following demolition of garage and store buildings. Conditional Permission.

24/00065/S73 - Removal of Condition 2 (approved drawing numbers - omit drawings; 2021/60/01, 2021/60/02 C, 2021/60/03 B and replace with drawings; 2021/60/01A, 2021/60/02 D, 2021/60/03 B) of planning permission 22/01229/FP granted 06.09.2023 for Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022). Conditional Permission.

24/01962/FP - Erection of custom/self-build detached 5-bed dwelling with shared vehicular access. Conditional Permission.

24/02185/FP - Erection of detached 3-bed dwelling following demolition of garage and store buildings (redesign of application 23/02851/FP). Withdrawn.

3.0 **Representations**

3.1 **Kelshall Parish Council** – None received.

Hertfordshire County Council Highways – No objection subject to condition re: CMP and Informatives.

Hertfordshire County Council Historic Environment – No objection.

Environmental Health (Noise/Land Contamination/Air Quality): No objection but suggest inclusion of potential contaminated land condition. Given the site was used as a former domestic garage I do not consider such a condition to be appropriate in this case.

Hertfordshire County Council Waste & Recycling – No objection. General comments provided.

3.2 **Site Notice and Neighbour Consultations** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises of land within the curtilage of Red Brick Cottage, formerly accommodating a detached garage, with stables and store to the rear. Vehicular access is provided from Kelshall Street, an unclassified road. Opposite the site is an existing bungalow known as Crossroads, with a further four residential properties north

of Crossroads. The topography of the site means that the land rises upwards from Kelshall Street, with Crossroads occupying a lower land level. The nearest listed building lies to the southeast of Red Brick Cottage and is known as Inglenook, which has a Grade II classification. A public footpath ref: 009 lies to the north of the site and crosses the area to the rear of the application site, so between the stables and store. There are no protected trees in the area although there is an established hedgerow to the northern boundary with the adjoining field which now benefits from planning approval for two dwellings the first of which was granted on appeal in September 2023 under ref: APP/X1925/W/23/3316241 and is currently under construction with the second being granted under 24/01962/FP in December 2024.

- 4.1.2 Kelshall is characterised as a linear village with sporadic built form. Red Brick Cottage is a two-storey dwelling with Crossroads opposite being a dormer bungalow and those to the north including the more recent dwellings being two-storey.

4.2 **Proposal**

- 4.2.1 Erection of one detached self-contained dwelling including bike store; parking and landscaping.
- 4.2.2 The application is supported by a Design and Access Statement and the BNG Statutory Metric for Small Sites.

4.3 **Key Issues**

- 4.3.1 The key issues in this case are:

- ☐ Principle of development
- ☐ Planning history
- ☐ Design/Impact of the character of the area
- ☐ Impact on existing residential amenity
- ☐ Landscaping
- ☐ Access, parking and highways

Principle for 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 Kelshall is a Category B village for the purposes of Policy SP2. The village does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the Local Plan where development which does not extend the built core of the village will be allowed. Given that the proposed dwelling would be considered 'infill' having properties to the south, west and taking into account the recent approvals to the north and the principle of the development having already been established by way of planning approval 23/02851/FP, I do not see any conflict with Policies SP2 and CGB1 of the Local Plan.

Design and Appearance:

- 4.3.4 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Section 12 – Achieving well-designed places). Paragraph 131 of the NPPF states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities*”. In this regard, Policies D1 and D2 of the Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.5 The proposed dwelling is two-storey with a pitched gable to the principal elevation and a cat-slide roof to the side elevation with Redbrick Cottage which creates a spatial separation between the two properties compared to the previously approved scheme. Whilst the proposed dwelling has a greater footprint and increased scale than that of the previously approved scheme, the proposed dwelling remains of a modest size in relation to existing and approved dwellings nearby. It is acknowledged that there is a wide variety of architectural styles and differing scales, proportions and forms of residential dwellings in Kelshall, which can be seen amongst the immediate neighbouring properties and of those currently under construction and of those previously approved. This mixture of house types is part of the character of the village and therefore the submitted design is considered acceptable and sympathetic to the character and appearance of the area.
- 4.3.6 The footprint of the proposed dwelling would mean that it is set back from the highway and projects slightly forward of the previous garage yet significantly set back from the front elevation of Redbrick Cottage and therefore any impact to the streetscene would be limited. The dwelling would have its own defined curtilage with off-street parking to the front of the dwelling for two-vehicles and EV charge point. To the rear of the dwelling, a cycle and bin storage is proposed. An air source heat pump and solar panels are proposed, however no specific location has been indicated for either of these and although preferable are likely to be permitted development. Parking for Redbrick Cottage would be relocated to the rear of the curtilage of the proposed dwelling and be provided through the conversion of a stable block providing a double car port. The south and eastern boundaries to the rear garden would see a 1.8m high timber fence with the planting of a new native hedge proposed to the garden side. Materials would comprise of black weather boarding at first floor level and red facing brick at ground floor level with clay plain tiles to the roof. The black weather boarding would be reflective of that used to the front elevation of Redbrick Cottage with other materials being traditional. Window frames would be dark grey aluminium which is likely to blend better against the weatherboarding in this location and is considered acceptable and in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Standard of Amenity for Future Occupiers:

- 4.3.7 Paragraph 135 (f) of the NPPF states “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”. Paragraph 135 (f) is reflected in Policy D1 of the Local Plan.
- 4.3.8 The proposed dwelling would exceed the described requirements as set out in the National Space Standards. The rooms would be well served by windows to allow for sufficient outlook and light and the dwelling would be served by an acceptable level of

amenity space. Sufficient storage space is provided to meet the needs of the dwelling as proposed. The dwelling would have an acceptable sized garden space to rear with an area of open space for the parking of vehicles to the front. Therefore, the amenity of future occupiers would be suitably met.

Impact on Neighbours

- 4.3.9 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. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.
- 4.3.10 Given the separation distance to neighbouring properties and the scale and design of the proposed dwelling, is unlikely to result in an unacceptable impact on the reasonable living conditions and well-being of neighbours and as such is unlikely to have any significant impact on existing residential amenity and is therefore in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.

Landscaping and Ecology

- 4.3.11 In regard to landscaping, improvements to the site as previously mentioned include the planting of a native hedgerow to the rear and side boundary with Redbrick Cottage and utilising the space around the dwelling for a lawn/grass area, this is a welcome addition given the rural nature of the village and is considered acceptable and in accordance with Policy NE4 of the Local Plan.
- 4.3.12 The application site is considered to be exempt from BNG Legislation, defined under article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, due to it falling under the scope of '*de minimus*' given the plan shows 14sqm of habitat to be lost and therefore is under the threshold.

Drainage

- 4.3.13 The site is located in Flood Zone 1, where there is a low risk of flooding from rivers. Surface water is shown to be to soakaway and foul sewage to mains. In terms of the scale of the development, it would be down to Building Control to ensure that flood risk matters are suitable addressed.

Parking

- 4.3.14 Policy T2 of the Local Plan and the SPD relating to Vehicle Parking at New Developments requires residential properties with three bedrooms to have a minimum of two car parking spaces to be provided. The proposal seeks to ensure that the proposed dwelling benefits from two off-street parking spaces shown to be located on the existing hardstanding area to the front of the dwelling, this would incorporate an EV charging point. No objection has been received in this regard from the Highway Authority, and it is considered that the proposal is in accordance with Policy T2 of the Local Plan.

Archaeology

- 4.3.15 When considering the impact of proposed development on the significance of a designated heritage asset (such as archaeology), the NPPF (Section 16 – Conserving and enhancing the historic environment) notes that great weight should be given to the

asset's conservation; the more important the asset, the greater the weight should be. In this regard, Policy HE4 of the Local Plan is consistent with Section 16 of the NPPF.

- 4.3.16 No objection has been raised in terms of archaeology; this is based on the fact that the new dwelling would be constructed on the site of existing/previous development.

Environmental Implications:

- 4.3.17 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.
- 4.3.18 The proposed development, would have no significant implications for the local environment in terms of carbon emissions. Objections have been raised in terms of possible flooding issues and foul drainage, neither of which are considered to be significant in terms of the siting of a new dwelling. I am therefore satisfied that the proposal would be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

4.4 Conclusion

- 4.4.1 Overall, it is considered that the proposed development would constitute infilling development that would not extend the built core of this village and therefore the development is deemed acceptable in principle and in accordance with Policy SP2 and CGB1 of the Local Plan.
- 4.4.2 The proposed development is considered acceptable in design, scale and appearance and would not result in unacceptable harm to the character of the area and in accordance with Policies D1 and SP9 of the Local Plan and Section 12 of the NPPF.
- 4.4.3 The proposal is unlikely to result in an unacceptable impact on the reasonable living conditions and well-being of neighbours and I am satisfied that existing residential amenity would not be compromised as a result of the proposed development and so in accordance with Policies D1 and D3 of the Local Plan and Section 12 of the NPPF.
- 4.4.4 Access to the site already exists albeit this would be to a new dwelling. Sufficient parking is achieved and access and parking for Redbrick Cottage is provided, and the Highway Authority have raised no objection to this aspect of the development subject to a wider condition covering a construction management plan.
- 4.4.5 Overall, it is considered that the proposed development is acceptable and in accordance with the relevant local and national planning policies.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 The agent has agreed to the pre-commencement conditions relating to a CMP and materials.

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. No development hereby permitted shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include elements of the CLOCS standards, as set out in the Councils' Highway Authority's Construction Management template. Thereafter, the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of the following:

- a. Access arrangements to the site;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading, and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h. Where works cannot be contained wholly within the site, include a plan showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Before any part of the development hereby permitted is commenced above ground level, details and/or samples of all materials to be used on the external elevations and the roof of the proposed dwelling shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

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 in accordance with North Hertfordshire Local Plan Policy D1.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) no development as set out in Classes B and E of Part 1 of Schedule 2 to the Order, including any building, structures and swimming pool, shall be erected other than those expressly authorised by this permission

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 in accordance with Policies D1 and D3 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. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works

commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council.

Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway

2. 1) EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment

installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 27 March 2025	