

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00215/S73	Removal of condition 6 of planning permission 25/01850/FP granted 23.09.2025 for erection of chalet bungalow following demolition of existing buildings.	Fen Farm Rabley Heath Road Codicote Welwyn Hertfordshire AL6 9UA

Submitted Plan Nos

Location Plan

1.0 Policies

SP2 Settlement Hierarchy and Spatial Distrib

SP5	Countryside and Green Belt
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
NE4	Biodiversity and geological sites
T2	Parking
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Site History**

- 2.1 25/01850/FP - Erection of chalet bungalow following demolition of existing buildings – Conditional Permission
- 2.2 25/00044/FP - Conversion of existing stables into dwelling following demolition of outbuildings – Conditional Permission

- 2.3 12/01033/1 - Erection of a Barn for the storage of hay (as amended by drawings received 2/07/12). - Refused

3.0 **Representations**

- 3.1 Neighbour Consultation – None received.

- 3.2 Parish Council – Objection.

4.0 **Planning Considerations**

- 4.1 Site and Surroundings

- 4.1.1 The site is part of the associated curtilage of Fen Farm, a large two storey residential dwelling on Rabley Heath Road, near to Codicote. The site is within the Green Belt.

4.2 **Proposal**

- 4.2.1 This application seeks the removal of Condition 6 of planning permission 25/01850/FP granted 23.09.2025.

- 4.2.2 Condition 6 relates to the removal of Permitted Development rights as set out in Classes A, AA, B, C and E of Part 1 (and any further new class that may be introduced by way of an update) of Schedule to the General Permitted Development Order.

- 4.2.3 It is noted that the decision notice includes two conditions listed as Condition 5, however, I do not consider that there is contention between the applicant and the LPA that this application relates to the condition restricting permitted development rights.

4.3 **Key Issues**

- 4.3.1 The key issues for the application are whether the removal of the condition would have any impact on the openness of the Green Belt or be prejudicial to the five purposes of the Green Belt and whether there is a reasonable case to accept that the removal of permitted development rights in this case is clearly justified.

- 4.3.2 Paragraph 57 of the NPPF makes clear that planning conditions should be kept to a minimum and only used where they satisfy the following tests:

Necessary;
Relevant to planning;
Relevant to the development to be permitted;
Enforceable;
Precise; and
Reasonable in all other respects.

- 4.3.4 Paragraph 55 of the NPPF goes on to state that “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so*”.

- 4.3.5 The application site is Fen Farm, a large detached two storey dwelling. The application dwelling is situated on what is presently a stable block, and associated curtilage. The site drops away to the rear, as part of a small valley with fields to the opposite side rising away.

- 4.3.6 Chapter 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open.
- 4.3.7 Policy SP5 of the Local Plan 2011-2031 advises "Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated". of the District Local Plan takes the view that *"Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact."*
- 4.3.8 Paragraph 4.3.20 in the delegated report of the previously approved application (25/01850/FP), states *"Given the rural, green belt location, together with the relatively constrained nature of the site, I consider it is prudent to restrict the permitted development rights for the new dwelling."*

Necessary

- 4.3.9 The applicant contends that the inclusion of the condition fails the test of being 'necessary'. The applicant argues that permitted development rights would not allow for upwards extensions, and would not allow for meaningful extensions within the roof slope given the approved dormer windows and gable end roof design. This would limit the development to outward extensions and ancillary outbuildings. They consider that this would not result in disproportionate additions to the original dwelling, and would not harm the character of the local area given alterations would predominantly be confined to the rear of the dwelling or behind approved boundary treatment to the front.
- 4.3.10 It is agreed that extensions are unlikely to result in unacceptable impacts upon neighbouring amenities. It is also agreed that the development would benefit from a degree of screening as existing and as proposed. However, whilst set back from the public highway, given the siting of the property within the Green Belt, the erection of a single/two storey side extension, single / two storey rear extension or large outbuilding could be considered disproportionate and be refused on their harm to the openness of the Green Belt. The maintenance of permitted development rights in this location would allow for the local authority to consider large additions to the dwelling against Green Belt policy. The condition is therefore necessary.

Relevant to the development to be permitted

- 4.3.11 The applicant also contends that the condition fails to be relevant to the development being permitted. The proposed dwelling was approved as a replacement of the existing stable, under exception g) of Paragraph 154 of the NPPF, whereby development would utilise PDL, and would not cause substantial harm to the openness of the Green Belt. The dwelling would be visible from Rabley Heath Road, and from surrounding vantage points within the area, notably the opposite valley side. The replacement build would cause some degree of harm over the stable given the increase in height and bulk compared to the before. Should permitted development rights be implemented on site, the property could benefit from Class A, for example, and construct a large 8m deep single storey rear extension (following a Prior Approval application) or a significant side extension that would both considerably increase the scale and bulk of the dwelling. Cumulatively, the enlargements over the original building, both approved and prospectively under PD could substantially harm the openness of the Green Belt. This would run contrary with the spirit of exception g). Furthermore, the property could also benefit from being able to construct substantial outbuildings within the large rear

garden of which up to 50% could be built upon. The LPA sought to amend the application to vary the condition rather than remove it, instead seeking to amend the condition to restrict enlargements to the dwellinghouse permitted by Class A and the erection of outbuildings under Class E. This would have resulted in Classes B, C and D not being withdrawn. The applicant did not agree to this, and therefore, the application is recommended for refusal.

- 4.3.12 Considering the potential for large extensions being granted under a Certificate of Lawfulness or Prior Approval, extensions of large scale may have a considerable/substantial impact on the openness of the Green Belt. The condition is therefore considered to be relevant to the development being permitted.

Reasonable in all other respects

- 4.3.13 The application site is visible from within both public and private vantage points and is situated within the Green Belt. Extensions that could be constructed under permitted development would potentially result in a significant and unacceptable harm upon the openness of the Green Belt. It is therefore considered that the restriction of permitted development rights in this case is justified and proportionate to the harm that could be caused and therefore reasonable in all respects.
- 4.3.14 It is acknowledged that the applicant has prepared appeal decisions of a similar nature, whereby the inspectors concluded that the Green Belt was not a sufficient reason to restrict permitted development rights. This is acknowledged, however, it is considered that the site history and its wider circumstances are considered to provide sufficient justification to restrict the permitted development rights in this location. This does not mean the Local Planning Authority opposes development, but considers that retaining control is reasonable grounds to refuse this application to remove Condition 6.

Other Matters:

4.4 **Conclusion**

- 4.4.1 The removal of Condition 6 would allow for the construction of outbuildings and extensions within the application site. This could result in inappropriate development within the Green Belt that would significantly harm the openness of the Green Belt. Condition 6 is therefore considered to meet the tests set out within Paragraph 55 of the NPPF and is to allow the Local Planning Authority to assess possible harms to openness arising from future development within the Green Belt through the submission of a planning application.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

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

1. The removal of Condition 6 would allow for the construction of outbuildings and extensions within the application site. This could result in inappropriate development within the Green Belt that would adversely impact upon the openness of the Green Belt. It is therefore considered that Condition 6 is justified in order to allow the Local Planning Authority to assess possible future development within the Green Belt through the submission of a planning application. The application for the removal of

Condition 6 from planning permission 25/01850/FP is considered to fail to comply with the provisions set out within Section 13 of the National Planning Policy Framework, and Policy SP5 of the North Hertfordshire Local Plan 2011-2031.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 1 April 2026	