

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02809/S73	Removal of conditions 3 and 4 of planning permission 24/02167/FP granted 30.04.2025 for erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding.	Old Generator House Mill Lane Hexton Hertfordshire SG5 3JE

Submitted Plan Nos

Supporting Statement 2023-25-04 - Existing Location and site plans

1.0 Policies

1.0 **Relevant Planning Policy**

1.1 North Hertfordshire Local Plan 2011 – 2031

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP13: Historic environment

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living conditions

Policy D4: Air quality

Policy NE3: The Chilterns Area of Outstanding Natural Beauty (ANOB)

Policy NE4: Biodiversity and geological sites

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

1.3 National Planning Policy Framework (2024)

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 11: Making effective use of land

Section 12: Achieving well-designed and beautiful places

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the historic environment

Section 16: Conserving and enhancing the natural environment

1.4 Supplementary Planning Guidance and Documents

□ Design SPD 2011

□ Vehicle Parking at New Developments 2011

1.5 Offley Neighbourhood Plan

There is no currently made NP for the Parish of Offley

2.0 **Site History**

2.1 19/02051/FP: Change of use and conversion of vacant farm workshop to create two small apartments for occupation by the estate under game-keepers. Provision of vehicular access and parking area. Granted 17th March 2020. Development not implemented.

2.2 20/01871/FP: Conversion and extension of vacant farm workshop to create one 3-bedroom dwelling for residential occupation by the Hexton Manor Estate, provision of vehicular access, parking area to rear of site and erection of detached garage. Refused 30/10/20

2.3 23/01598/PRE: Conversion of three outbuildings into three extended residential

dwellings with associated parking and landscaping. Advised acceptable subject to reduction in extension to side.

2.4 23/02726/FP: Change of use and conversion of existing outbuilding to one 3-bed dwelling to include single storey side and rear extensions, parking and landscaping. Granted 30/08/2024. Not implemented.

2.5 24/02167/FP: Erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding. Conditional permission.

2.6 25/01797/DOC: Details reserved by Condition 4 (Front boundary wall) of planning permission reference 24/02167/FP granted on 30.04.2025.

'The proposed development has drawn an objection from the Council's Conservation Officer on the basis that the proposals would not preserve the character and/or appearance of the conservation area and therefore does not comply with section 72 (1) of the Act and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.'

2.7 25/01796/DOC: Details reserved by Condition 3 (Vehicle Access) of planning permission reference 24/02167/FP granted on 30.04.2025. Refused 15th October 2025 for the following reason:

'The proposed development has drawn an objection from the Council's Conservation Officer on the basis that the proposals would not preserve the character and/or appearance of the conservation area and therefore does not comply with section 72 (1) of the Act and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 Additionally the Highway Authority has advised that there is not enough information for the Highway Authority to determine if the elements of the condition has been met. Until this has been provided the Highway Authority are unable to approve the condition.'

3.0 **Representations**

3.1 Herts Highways

Highway Comments: Thank you for consulting the above application (Ref: 25/02809/S73). This application seeks removal of conditions 3 and 4 associated with planning permission reference 24/02167/FP granted 30.04.2025 for erection of one detached 3-bed dwelling with parking and landscaping with new vehicular and pedestrian accesses onto Mill Lane following demolition of existing outbuilding. The Highway Authority did not recommend any of the conditions in question at the formal consultation stage. However, following further review, it is acknowledged that Condition 3, which relates to the provision of an alternative means of site access, is directly

relevant to highway safety. The Authority considers that the removal of this condition could compromise safe and suitable access arrangements for the development. Consequently, the Highway Authority advises that the application to remove Conditions 3 and 4 should be refused in the interests of maintaining highway safety and ensuring compliance with relevant planning policies

3.2 Chilterns Conservation Board

No response

3.3 NHDC Conservation officer

Advises as follows:

My own views in terms of the impact of the break in the boundary wall on the conservation area are that of previous conservation officer comments .

The proposal to create a new access that would involve the breaking of the boundary wall which is a positive contributor to the character of the Hexton Conservation Area and the puncturing of this wall will cause less than substantial harm at a low to moderate level to the character and appearance of the conservation area.

The conservation area statement clearly states that the character is predominantly of an early 20th century estate village, with some older buildings and bordering the Registered Park and Garden of Hexton Manor.

Key to this character and typical of many estate villages is the use of boundary walls to delineate between private and public land.

I note that there is a gate opening nearby but this in my view is not justification for a further opening in this boundary wall.

I would concur with previous conservation comments given in paragraph 4.3.5 to 4.3.6 in delegated file note for application 19/02051/FP which essentially says there is a less than substantial level of harm albeit low to moderate and therefore I would not be supporting this element of an application . I would advise as previously done to look at exploring an access to the rear, through Hexton Manor Estate.

3.4 Site Notice / Neighbour consultation:

No comments received.

3.5 Hexton Parish Council

Advise as follows:

If I have read the letter correctly then the application to remove conditions 3 & 4 from planning application 24/02167/FP refers to the pedestrian (there is already a pedestrian gate there and has been for decades) and vehicular access onto Mill Lane, Hexton.

If this is the case then I have no objection to the new building proposed. Vehicle access onto the village street (knocking a hole in the wall) would have had an adverse effect on the on street parking for those who live opposite as they have nowhere else to park. The proposed new building already has vehicle access to the rear of the plot.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The Old Generator House is an outbuilding associated with Hexton Manor, an extensive residential, agricultural and sporting estate.

The building is rectangular with a shallow pitched roof and occupies a large plot (1640 sq metres) fronting Mill Lane. The building is redundant from its original use as a plant room providing power to Hexton Manor and has been used as a workshop and stables. The building is brick built with a cement render and slate roof. The building has several window openings. The building has a floor area of 57 sq metres. There is a pedestrian access that serves the building through the boundary wall that fronts Mill Lane. The building has no apparent vehicular access onto Mill Lane. Recently the site has been cleared of vegetation.

- 4.1.1 The site lies within the Green Belt, Hexton Conservation Area, the Chilterns AONB and the registered park and garden associated with Hexton Manor. The site lies just outside but adjacent to the Category A settlement of Hexton.

4.2 **Proposal**

- 4.2.1 The proposal is for the removal of conditions 3 and 4 of planning permission ref: 24/02167/FP.

The conditions stated the following:

Conditions 3

Notwithstanding the submitted details and before the first residential occupation of any part of the building hereby approved, a report shall be submitted to and approved in writing by the Local Planning Authority, exploring alternative options for providing vehicular access to the site. This shall include consideration for providing access via a track running to the rear of Hexton Lodge. The report shall also include detailed drawings of any proposed route, including surface materials and any gates. The approved means of access shall be implemented on site prior to the residential occupation of the application site.

Reason: To ensure a vehicular access is provided that would not have an adverse effect on the character and appearance of Hexton Conservation Area and to ensure a vehicular access is provided prior to the residential occupation of the Old Generator building

Condition 4

No part of the existing front boundary wall shall be removed without first obtaining the prior approval of the Local Planning Authority.

Reason: in the interest of the appearance of the site and its impact upon the character and appearance of Hexton Conservation Area.

4.2.2 A supporting statement submitted with the application makes the following points:

- The imposition of condition 3 fails to meet the tests for reasonableness and is entirely contrary to the Government Planning Policy Guidance – Use of Planning conditions.
- Condition 4 is unnecessary – prior approval of the LPA has already been given and permission granted for the part removal of the front boundary wall.

4.3 **Key Issues**

4.3.1 The key issue is whether conditions 3 and 4 of planning permission ref: 24/02167/FP are *ultra vires* in that the LPA imposed them unreasonably.

4.3.2 When imposing conditions attached to a planning permission a Local Planning Authority must have regard to paragraph 57 of the NPPF and paragraph 012 of the Planning Practice Guidance.

4.3.3 Paragraph 57 of the NPPF states:

‘Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision_making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification’.

4.3.4 The Planning Practice Guidance states at paragraph 12 the following

- 4.3.6 The applicant is of the view that conditions 3 and 4 seek to remove part of the description of development that was approved under planning ref: 24/02167/FP i.e. the provision of *'new vehicular and pedestrian accesses onto Mill Lane'*
- 4.3.7 This is not the case. Condition 3 is worded so as to require the applicant to submit details including a report that explores alternative options for providing vehicular access to the site. The condition allows the Local Authority to receive such a report and consider whether there are any suitable alternative means of vehicular access. It is potentially possible that the LPA would agree that there are no such alternative means of access and if that were to be the case the LPA would simply confirm this is the case and discharge the condition allowing the development to proceed with vehicular access directly off the main village road as shown on the approved plans.

The condition does not prevent the applicant implementing the planning permission – it simply requires a further assessment of alternatives. If there are no suitable alternatives the default position is that the condition is discharged by the LPA.

- 4.3.8 Condition 3 is further considered necessary as objections were raised by the Conservation officer. Harm to heritage assets is given substantial weight in paragraph 212 of the NPPF as follows:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 4.3.9 Given the concerns of the Conservation officer the imposition of condition 3 was considered a proportionate and reasonable response by the LPA therefore meeting the tests of necessity.
- 4.3.10 Equally, the imposition of condition 3 was considered necessary and reasonable given the concerns of the Highway Authority. The NPPF states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users;

- 4.3.11 Condition 4 does not prevent the implementation of the planning permission either – it simply requires the submission of further detail regarding the removal of part of the front boundary wall. It is quite feasible that once that detail is submitted – which may include the amount of wall to be removed, the brick type, bond and mortar to be used and any supporting pillars, as well as any hardsurfacing treatment – that the LPA would

be satisfied with that detail and then approve the details allowing the implementation of the development as approved.

4.3.12 Conclusion

- 4.3.13 It is my view that without conditions 3 and 4 it would not be possible for the LPA to fully consider and evaluate the effects of the proposed new vehicular access and removal of boundary wall on both highway safety and the impact of the development on designated heritage assets. Therefore, the conditions are necessary and reasonable and directly relevant to the development proposed thus meeting these tests set out in the National Planning Practice Guidance and the Framework.

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 conditions 3 and 4 are unacceptable in terms of the potential harm to highway safety and the setting of heritage assets. The applicant has failed to demonstrate that the conditions were misapplied to the parent permission and there are no special circumstances which would warrant their removal. The removal of the conditions would therefore be contrary to Policies SP13, HE1 and T1 of the North Herts 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 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  Shaun Greaves	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Determining Officer	
Date: 6 March 2026	