

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01544/FP	Erection of two detached dwellings including access drive, car parking, private gardens, hard and soft landscaping following the demolition of the existing detached garage and outbuilding.	Little Arundel Bedford Road Holwell Hitchin Hertfordshire SG5 3RX

Submitted Plan Nos

RSD-25-03-PO1 RSD-25-03-PO2 RSD-25-03-PO3 - Plot 2 RSD-25-03-PO4 - Plot 1 RSD-25-03-PO5 - RSD-25-03-PO6

1.0 Policies

CGB1	Rural Areas beyond the Green Belt.
CGB4	Exist buildings in the RA Beyond GB
D1	Sustainable design
D3	Protecting living conditions
NE2	Landscape
NE4	Biodiversity and geological sites
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN15	Conserve + enhance natural environment
SECN5	Delivering sufficient supply of homes
SECN9	Promoting sustainable transport
SP1	Sustainable development in North Herts

SP12	Green infrastructure, landscape and biod
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SP6	Sustainable transport
SP8	Housing
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant site history**

- 2.1 07/01917/1 - Section 73 Application: Variation of Condition 1 of Planning Permission 00/01261/1HH (granted 16.11.00) to allow use of annex as a separate residential dwelling. (Amended plan received 11.09.07) – Refused 17/10/07 for:
1. The use of the annexe as a separate residential unit is not considered to be appropriate in this location as it would be contrary to local character and contrary to Policies 6 and 33 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

Appeal dismissed 27/10/08.

- 2.2 00/01261/1HH - Erection of detached single storey building to provide self-contained residential annexe – Approved 16/11/00.
- 2.3 There have also been other applications for works to the dwelling and the site that are not directly relevant to the application.

Adjacent site Bramble Bank to the north

- 2.4 24/00717/FP - Erection of one detached dwelling including associated access drive, car parking, private garden and hard and soft landscaping following demolition of all existing detached structures – Approved 18/06/24.
- 2.5 23/01752/FP - Erection of two detached 5-bed dwellings together with associated access drive, car parking, private gardens, hard and soft landscaping following the demolition of all existing detached structures – Refused 12/03/24 for:
1. The proposal, by reason of the amount, size, scale and visual impacts of the development, would not be acceptable in principle and would conflict with Policies SP2, SP5, CGB1 and CGB4 of the adopted Local Plan.
 2. The proposal due to its design and layout has resulted in objections from the County Council Highway Authority who cannot support the application due to the application having failed to demonstrate and substantiate a satisfactory design-led approach and provide any detailed information to enable the Highway Authority to fully assess in detail and clarify the highway implications of the proposed development. The proposal therefore does not comply with Policy T1 of the Local Plan and Section 9 of the NPPF.

Appeal allowed 08/01/25.

3.0 **Representations**

- 3.1 **Environmental Health** – No objections.
- 3.2 **Council Ecologist** – No ecological objection to the proposal.

The April 2025 Statutory Biodiversity Metric records the site as vegetated garden giving a baseline value 0.76 Habitat Units and 0.06 Hedgerow Units. The post-development habitats of the site are valued at 0.63 Habitat Units and 0.12 Hedgerow Units, resulting in a net loss of 17.72% in habitat units. 3.5 of the planning states advises 'An area for biodiversity net gain (BNG) is identified within the rear part of the site. This is proposed indicatively at this stage, with such being finalised as part of dealing with the BNG condition'. But the Biodiversity Gain assessment concludes 'To meet the required 10% gain, a further 0.21 Habitat Units are required, these can be of any distinctiveness level. It is understood that these units will be sourced via a habitat bank in the first instance'. The biodiversity gain hierarchy needs to be considered when determining whether biodiversity units can be secured off site and, in this instance, as the proposal impacts garden land and will deliver garden land, it's acceptable for the applicant to source the unit shortfall by purchasing off site units.

The April 2025 Ecological Impact Assessment (EclA) did not find any evidence of protected species using the site but does make recommendation for ecological enhancements. The North Herts Local Plan advises development should consider the inclusion of integrated features in the built fabric of dwellings such as bat, bird and bee

bricks which are referred to in the EclA. Taking this into account the following condition is advised.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate

3.3 **Highways Officer** – Does not wish to restrict the grant of permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is the majority of the spacious plot of detached chalet bungalow Little Arundel, which has a pitched roof. The dwelling Little Arundel itself is within the blue-edged area on the Location Plan, as well as part of its rear and front gardens.

4.1.2 The application site includes numerous outbuildings, including a double garage and an annexe. An existing vehicular access from Bedford Road is also included in the site. Trees comprise the site boundaries at the SE and NW areas of the site. Other boundaries are predominantly low fencing and some small vegetation. Ground levels are mainly flat.

4.1.3 The site is at the southern end of a small group of dwellings, that are within wider rural agricultural surroundings. The site is within the Rural Area beyond the Green Belt.

4.2 **Proposal**

4.2.1 The erection of two detached bungalows with pitched roofs, with each bungalow having three bedrooms. The existing buildings within the site would be demolished. Each dwelling would have its own garden and parking area, including a separate detached double garage with a pitched roof. The dwellings would be accessed by a new shared driveway leading to the existing vehicular access from Bedford Road.

4.3 **Key Issues**

4.3.1 The key material considerations are whether the development is acceptable in principle, design, neighbour amenity, future living conditions, highways and parking, ecology, and trees and landscaping.

Principle

4.3.2 The site is in the Rural Area beyond the Green Belt (RA), where only certain types of development are acceptable in principle in the Local Plan. These criteria are set out under Policy CGB1. The proposal does not comply with them, except potentially d) “*Relates to an existing rural building*”, which refers to Policy CGB4 of the Local Plan. CGB4 states:

- a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

- 4.3.3 Only part c) of CGB4 is relevant to this application. The general policy aims of the RA are stated in Policy SP5, with the key parts of that Policy in respect of the proposed development being:

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. We:

- d) Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.*

- 4.3.4 A material consideration relevant to this application is refused application 23/01752/FP for two dwellings rear of Bramble Bank (which adjoins the north boundary of the site) allowed on appeal, and to a lesser extent planning permission 24/00717/FP for one new dwelling at the same site Bramble Bank.

- 4.3.5 The appeal decision was reached after the single dwelling was permitted, with the key parts of the appeal decision being relevant to the present application at Little Arundel being:

5. It is common ground between the parties that the site is not situated within a settlement as defined in Policy SP2 of the North Hertfordshire Local Plan 2011-2031 (LP). Instead, the site is situated within the rural area where only certain types of development are acceptable in accordance with LP Policy CGB1. The erection of the 2 proposed dwellings could, as identified by the council, relate to the redevelopment of an existing rural building because of the outbuildings and other structures within the site.

6. LP Policy CGB4 refers to criteria against which the development of existing buildings should be assessed, including that the proposal does not have a materially greater impact on the openness, purposes or general policy aims of the rural area than the original buildings. The general policy aims of the rural area are stated in LP Policy SP5 and include a general policy of restraint to recognise the intrinsic value of the countryside.

7. As identified, the site is within the curtilage of Bramble Bank and it is physically and visually related to the gardens of the group of residential and other buildings rather than being part of the surrounding open and verdant countryside. There is residential development in depth which has occurred to the north of the site with the erection of dwellings to the rear of Dunroamin and Coniferdell. The proposed dwellings would not be in an isolated location within the countryside.

10. There are no outbuildings within Plot 1 but there are such buildings within the appeal site as a whole. By reason of being taller than the outbuildings and development occurring on Plots 1 and 2, the appeal scheme would increase the footprint of built development and, together with the height of the proposed dwellings, this would have an effect on the openness of the surrounding countryside. Although there is some screening by buildings and trees, parts of at least the roofs of the proposed 1½-storey dwellings would be visible along Bedford Road from the south across the garden of Little Arundel.

11. However, because of the existing dwellings fronting the road, the residential development in depth that has occurred, other structures within gardens and the identified approved housing schemes, the proposed dwellings would not be so visually or physically conspicuous so as to materially have a greater impact on the openness of the surrounding countryside than the current buildings. For the same reasons, the general purposes and aims of the rural area identified in the LP, including the intrinsic value of the countryside, would be preserved rather than unacceptably harmed. 12. On this issue it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies SP2, SP5, CGB1 and CGB4.

- 4.3.6 The above scheme allowed on appeal has similarities to the development now proposed at Little Arundel. These similarities are that two new dwellings are proposed, that the dwellings are proposed to be sited in the curtilage of a dwelling, there are existing outbuildings in the site that would be demolished, and the site is not isolated within open countryside.
- 4.3.7 The main differences to the allowed appeal scheme are that the proposed dwellings would be slightly further to the south on the adjoining site, the outbuildings to be demolished are closer to the main dwelling, and that the dwellings now proposed are lower and smaller bungalows.
- 4.3.8 From the allowed appeal decision and Inspector's Report, it's considered that the most important assessment is whether that proposed development would have harmed the intrinsic value of the countryside and would have a greater impact on the openness of the surrounding countryside than the current buildings.
- 4.3.9 In this regard, the proposed bungalows would have limited to no visibility from Bedford Road to the east and NE, and would be obscured by vegetation along the west side of Bedford Road for approx. 120m south of the site. There are some gaps in the vegetation further south through which the dwellings would be seen, however they would be in the distance and low-rise, and wouldn't be considered to have significant impacts on the character and appearance of the wider countryside.
- 4.3.10 Due to the above, the proposal is considered acceptable in principle. There would limited benefits from the provision of two new dwellings given that the LPA does not have a 5 year housing land supply. The proposal complies with Policy SP5 of the Local Plan.

Character and appearance

- 4.3.11 The proposal would change the use of the land to two new residential plots with associated dwellings, garages etc. This would intensify the use of the site and introduce new built development, albeit the development would be limited to two dwellings with garages that would occupy a small part of the plot in terms of built footprints. The proposal in this respect would be similar to that allowed on appeal at adjoining site Bramble Bank to the north, and is acceptable.
- 4.3.12 The proposed dwellings and their garages would not be considered to appear cramped within their plots, and would have clear separation from each other and existing dwelling Little Arundel. The new dwellings would be of comparable footprints and sizes to existing dwellings fronting Bedford Road to the east, and to the dwellings allowed on appeal to the north.
- 4.3.13 The new dwellings would be designed similarly to those allowed on appeal at Bramble Bank, and would use similar external materials. The size, siting and design of the proposed dwellings are considered acceptable. The proposal complies with Policy D1 of the adopted Local Plan; and Section 12 of the NPPF.

Neighbour amenity

- 4.3.14 The only dwelling that adjoins the site is Bramble Bank, and the proposed dwellings are considered to be sufficiently far from that dwelling to not cause loss of amenity to its main habitable rooms.
- 4.3.15 The dwellings would be more visible from the rear garden of Bramble Bank, although Plot 2 would be substantially obscured by trees and vegetation in the plot of Bramble Bank and will not detrimentally affect its garden area.
- 4.3.16 Plot 1 would be more visible from the garden of Bramble Bank, particularly as the boundary with Bramble Bank is a low wire mesh fence with small amounts of small vegetation. Plot 1 as already stated would be a low-rise bungalow and set off the boundary, and oriented such that its main bulk would away from the boundary. It's not considered that Plot 1 would appear harmfully overbearing or would cause loss of light and privacy to Bramble Bank.
- 4.3.17 The proposed site plan shows the two dwellings allowed on appeal rear of Bramble Bank. At the time of a site visit in early July 2025, that development or the single dwelling also granted there, had not commenced. In any case it's not considered that the proposed dwellings would adversely affect those approved developments. It's considered that Class A, B and E permitted development rights should be removed by condition as such uncontrolled enlargements could potentially affect the amenity of Bramble Bank and Little Arundel. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

Future living conditions

- 4.3.18 This concerns living conditions for potential occupants of the proposed dwellings, and for any occupants of Little Arundel. Starting with the proposed dwellings, their main rooms would be of a size sufficient to provide acceptable living standards, outlook, privacy and

light. The main private garden of the dwellings would be of an acceptable size, and would be sufficient for occupants of the new dwellings.

- 4.3.19 Little Arundel would not be affected by Plot 2. Plot 1 would be closer to Little Arundel, however it's considered that it would sufficiently far from main habitable rooms and its rear garden to not appear overbearing or cause loss of light and privacy.
- 4.3.20 Little Arundel itself would retain a rear garden of an acceptable size and quality. It's not clear whether the rear garden would be enclosed by a new fence etc., however these details can be required by condition. Future living conditions are considered acceptable. The proposal complies with Policies D1 and D3 of the Local Plan and Section 12 of the NPPF.

Parking and highways

- 4.3.21 The new dwellings would each have three bedrooms, which would require a minimum of two parking spaces each. More than two spaces would be provided, which is acceptable. At least one cycle could be accommodated internally, which is acceptable. Visitor parking would be able to be provided on the driveways of each dwelling.
- 4.3.22 Bin storage has been shown in locations that are considered acceptable. Bin collection could take place within the site as a turning head is included, or at the front of the site from Bedford Road. Internal manoeuvring space for vehicles is considered acceptable.
- 4.3.23 Little Arundel would lose all of its parking, both on hardstanding and in a garage, which are in the red-edged area. The blue-edged area that would remain around Little Arundel contains garden areas with grass, plants and hardstanding such as paving, but no parking areas or areas of hardstanding that could be used for parking.
- 4.3.24 Little Arundel is considered to have at least two bedrooms, which would require a minimum of two parking spaces. Given that Little Arundel is owned by the applicant and that the size of the blue-edged area is sufficient to accommodate at least two parking spaces it is anticipated that the applicant will provide replacement parking on site.
- 4.3.25 The County Council highways officer has not objected to the application, acknowledging the suitability of the existing access and the proposed driveway and parking. There are no reasons to disagree. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and landscaping

- 4.3.26 The main group of trees in the site are a line of young to maturing trees near the SE corner, and there are two young trees near the NW corner. The two trees in the NW would be removed, however there are no objections to this due to their small size and lack of significance to the site and locality.
- 4.3.27 The largest group of trees in the SE area of the site would be largely retained, and it's not considered that they would be affected by the development or experience future pressures for felling or lopping as the dwellings would be sufficiently far away from them.

- 4.3.28 The site would have new hard landscaping and new planting. The new hard landscaping is not considered excessive in relation to the size of the proposal. If permission was to be granted, details of new hard and soft landscaping would be required by condition. The proposal complies with Policy NE2 of the Local Plan.

Ecology

- 4.3.29 The site has been surveyed for protected and important species, with surveys not finding any. There are no objections from the Ecologist, and a condition recommended by the Ecologist to provide ecological enhancements would be imposed on any permission granted.
- 4.3.30 The proposed development would need to provide mandatory 10% Biodiversity Net Gain, which would be required by a standard BNG condition. The proposal is considered acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

Balance and Conclusion

- 4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance in para. 11 d) ii of the NPPF is engaged, where in this case the adverse impacts are not considered to outweigh the benefits of the provision of two new dwellings.
- 4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the

Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to commencement of the approved development, the following landscape details shall be submitted to include the following:
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
 - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with these approved details.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

8. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

9. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

10. The use of the garage hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouse to which it relates, and it shall not be used in connection with any form of trade, business or commercial activity.

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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 to

comply with Policy D1 and Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Construction of the approved development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan shall include:

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);

Siting and details of wheel washing facilities;

Cleaning of site entrances, site tracks and the adjacent public highway;

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Provision of sufficient on-site parking prior to commencement of construction activities; where works cannot be contained wholly within the site a plan should be submitted 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. To comply with Policy T1 of the Local Plan.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 28 July 2025	