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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Alex Howard.....

| <b>APPLICATION<br/>REFERENCE</b> | <b>BRIEF DESCRIPTION OF<br/>DEVELOPMENT</b>             | <b>APPLICATION SITE</b>                                                                 |
|----------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 25/02627/FP                      | Erection of one dwelling and associated external works. | Land Adjacent To<br>1 Caldecote Road<br><br>Newnham<br><br>Hertfordshire<br><br>SG7 5JZ |

**Submitted Plan Nos**

AF 01 AF 02 AF 03 AF 04 AF 05 AF 06 AF 07

**1.0    Policies**

|      |                                    |
|------|------------------------------------|
| CGB1 | Rural Areas beyond the Green Belt. |
|------|------------------------------------|

|        |                                          |
|--------|------------------------------------------|
| D1     | Sustainable design                       |
| D3     | Protecting living conditions             |
| NE4    | Biodiversity and geological sites        |
| HE1    | Designated heritage assets               |
| T2     | Parking                                  |
| SP2    | Settlement Hierarchy and Spatial Distrib |
| SP8    | Housing                                  |
| SP13   | Historic environment                     |
| SECN5  | Delivering sufficient supply of homes    |
| SECN12 | Achieving well-designed places           |
| SECN16 | Conserve + enhance historic environment  |

## 2.0 **Site History**

2.1 **22/00606/FP** - Erection of one 2-bed detached dwelling including widening of existing vehicular access (as a resubmission of planning application 21/02890/FP refused on

10.12.2021)

**Refused**

Reason for Refusal:

- 1) *No.1 Caldecote Road has a relatively large and elongated side garden which is an important, positive contributor to the character and appearance of the Conservation Area. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character. A dwelling would not enhance or better reveal the significance of the CA or nearby listed buildings, as it would not make a positive contribution to local character and distinctiveness. Furthermore, the principle of a dwelling on this site would fail to preserve or enhance the character or appearance of the Newnham Conservation Area. Lastly, by virtue of the dwellings utilitarian design and form, the proposal would not blend in or be sympathetic to the character and appearance of the Conservation Area, nor the immediate neighbouring dwellings which exhibit traditional design features. As such, the proposed dwelling would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 Incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021). The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not, in my opinion, outweighed by public benefits of the development.*

Appeal ref: APP/X1925/W/22/3307499 – **Dismissed**

Conclusion:

*20) I conclude that the proposed development would have a harmful impact upon the character and appearance of the area, including the Newnham CA. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, for the reasons given above the appeal is dismissed.*

- 2.2 **21/02890/FP** - Erection of one detached 2-bed dwelling including widening of existing vehicular access.

**Refused**

Reasons for Refusal:

- 1) *No.1 Caldecote Road has a relatively large and elongated side garden which is an important, positive contributor to the character and appearance of the Conservation Area. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character. A dwelling would not enhance or better reveal the significance of the CA or nearby listed buildings, as it would not make a positive contribution to local character and distinctiveness. Furthermore, the principle of a dwelling on this site would fail to preserve or enhance the character or appearance of the Newnham Conservation Area. Lastly, by virtue of the dwellings utilitarian design and form, the proposal would not blend in or be sympathetic to the character and appearance of the Conservation Area, nor the immediate neighbouring dwellings which exhibit traditional design features. As such, the proposed dwelling would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation*

*Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the Emerging North Hertfordshire Local Plan 2011-2031 Incorporating the Proposed Main Modifications (November 2018) and further Proposed Modifications (May 2021). The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not, in my opinion, outweighed by public benefits of the development.*

- 2) *The proposed dwelling would be located behind the rear elevations of the previously approved terraced dwellings to the east of the site, such that the proposed first floor windows on the rear elevation would allow for enhanced overlooking abilities into the gardens and rear fenestration of these terraced properties when they are completed. These increased overlooking abilities would result in loss of privacy, which would have a materially detrimental impact upon the amenities, reasonable living conditions and well-being of those future occupiers. The proposed development is therefore deemed contrary to Section 12 of the NPPF, Saved Policy 57 and Emerging Policies D1 and D3 of the Local Plan.*

### 3.0 **Representations**

#### 3.1 **Site Notice and Neighbour Representations** – Comments received from 9, 10, 11 and 12 The Green and 12 Gilders, raising the following matters (summary):

- Share the concerns of the PC in terms of inadequate village infrastructure.
- The dwelling will limit sunlight into gardens and homes of properties on The Green.
- Light pollution concerns.
- Impact on views in this countryside location.
- Concerns over sense of enclosure from the development.
- The development would not enhance the Conservation Area.
- Support the inclusion of two integrated bird boxes.

#### 3.2 **Hertfordshire Highways** – No objection subject to conditions.

#### 3.3 **Environmental Health** – No objection subject to conditions.

#### 3.4 **North Herts Ecology** – No objection subject to EEP and BNG condition.

#### 3.5 **Waste and Recycling** – None received.

#### 3.6 **Caldecote and Newnham Parish Council** – *“After the four new homes on the Green and the approval of an additional three new builds over the past year or so, our community appetite for additional new housing is pretty low.*

*We have concerns over the water and sewage capacity, the communications, and the state of the transport links and would like to preserve, if we can, the open aspect of the centre of the village which marks its character.*

*Certainly, for the next few years at least, we are of the opinion that enough is enough”.*

#### 3.7 **Hertfordshire Archaeology** – No objection subject to conditions.

#### 3.8 **Bedfordshire and River Ivel Internal Drainage Board** – *“It is noted that the proposed method of storm water disposal includes soakaways. It is therefore essential that ground conditions be investigated, and if found suitable, soakaways should be constructed in accordance with the latest Building Research Establishment Digest 365.*

*In the event soakaways are found not to be suitable any direct discharge to the nearby watercourse will require the Board's prior consent".*

3.9 **Conservation Officer** – Objects to the development.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is an area of land currently associated with the semi-detached 1 Caldecote Road, on the east side of Caldecote Road in Newnham. The site is within the Newnham Conservation Area and the Rural Area beyond the Green Belt (RAGB) as allocated in the Local Plan. Newnham is designated as a 'Category B' settlement within the Local Plan.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of one dwelling and associated external works.

4.2.2 The proposal would seek to utilise an existing vehicular access onto Caldecote Road, leading to a parking area for 2 vehicles and internal turning space. The dwelling itself would have an 'L' shaped footprint and have a part single/part two storey massing, with dual-pitched roofs. The two-storey gable end with a chimney would face Caldecote Road, with a private garden to the south. Boundary landscaping is to be retained.

4.3 **Key Issues**

4.3.1 The key issues in this case are:

- ☐ The Principle of Development
- ☐ Impact on Designated Heritage Assets
- ☐ Design and Impact on the Character of the Area
- ☐ Impact on Neighbouring Properties/Future Occupiers
- ☐ Parking
- ☐ BNG/Ecology
- ☐ Sustainability
- ☐ Other Matters

Principle of Development

4.3.2 The site is within Newnham, a Category B village under Policy SP2 of the Local Plan and is within the Rural Area beyond the Green Belt (RAGB). Policy SP2 states that:

*"Infilling development which does not extend the built core of the village will be allowed in the Category B villages"*

Policy CGB1 of the Local Plan states that:

*"In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*

*a) Is infilling development which does not extend the built core of a Category B village;*

- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area”.*

4.3.3 Newnham does not have a defined settlement boundary in the Local Plan; therefore, an objective view is necessary to consider whether this site is within the built core of the settlement. The application site is centrally located within close proximity to The Green and other residential properties, and the site currently reads as an area beyond the immediate side garden to 1 Caldecote Road. Therefore, the application site would be considered as within built core of Newnham, meaning that the proposed dwelling would not result in the outward extension of the settlement or and its built core. Therefore, with respect to spatial policy and those policies concerned with Rural Area beyond the Green Belt, the scheme is considered in accordance with Policies SP2 and CGB1 of the Local Plan, with the principle of development considered acceptable in this instance.

4.3.4 Furthermore, the supporting information with this application states that the site is Previously Developed Land (PDL). PDL is defined in the NPPF as follows (my emphasis added):

*“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens**, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.*

4.3.5 At some point in time, between 1877 and 1924, a Post Office is marked in a short row of buildings on the site just to the south of nos. 1 & 2 Caldecote Road. Indeed, historic mapping shows a building in situ. However, this building was removed by the 1960s and since then, the site has been open and free of any built form.

4.3.6 However, the site forms part of the extended garden of the host dwelling, 1 Caldecote Road. The definition of PDL explicitly excludes land in built up areas such as residential gardens, but there is relevant case law (Dartford BC v SSLG) where it was confirmed that private residential gardens *outside* of built-up areas (e.g., in the countryside or Green Belt) are not excluded from the definition of "previously developed land" (PDL) in the NPPF. This site is very clearly in the countryside in the Rural Area beyond the Green Belt and as such, it is considered as PDL. There is a general thrust in the NPPF which seeks to deliver development on PDL and as such, substantial weight is given to this matter in line with paragraph 125 of the NPPF, albeit the NPPF confirms that it should not be assumed that the how of the curtilage should be developed. At this stage, it is considered that the site's PDL status is a separate matter entirely from the impact of the development on the Conservation Area, which will be addressed later in this report.

- 4.3.7 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting between 2.6 and 3.3 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Impact on Designated Heritage Assets

- 4.3.8 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as Conservation Areas. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. This is reinforced by paragraph 215 of the NPPF.
- 4.3.9 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 4.3.10 The site is within the Newnham Conservation Area and is a prominent location within the village. Conservation Areas are a designated heritage asset for the purposes of footnote 7 under Paragraph 11d of the NPPF.
- 4.3.11 The Inspector who considered the previously refused and dismissed appeal at this site described the character of the Conservation Area and the immediate context as follows:
- “The CA derives its significance from the rich collection of historic buildings and from its loose-knit and verdant character. Properties along Caldecote Road, in the vicinity of the site, are characterised by substantial properties in spacious plots, set back from the highway, which influences the character of the CA. The recent development adjacent to the appeal site at The Green, including the boundary fence, may have reduced the rural quality of the appeal site, however, as the appeal site is orientated to Caldecote Road it is viewed in a different context which is more loose knit in appearance than The Green”*.
- 4.3.12 There has been a relatively extended planning history relating to the development of this site, initially in December 2021 when the first application for a detached dwelling was refused (ref: 21/02890/FP) due in part to the perceived impact on the character and appearance of the Conservation Area. Then in May 2022 the second application for a detached dwelling was refused (ref: 22/00606/FP) due to the perceived impact on the character and appearance of the Conservation Area. This refusal was appealed and within their report dismissing the appeal, the Inspector made the following salient points:

*"9. Whilst the appeal site does not lie within one of the important views highlighted in the Newnham Conservation Area appraisal dated 24 April 2008, nevertheless, the duty for the preservation and enhancement of the CA relates to the whole designation. No1 Caldecote Road contributes positively to the variety in architectural form and appearance found within the locality and the historic environment and its spacious side plot makes a positive contribution to the verdant character of the road.*

*10. The proposed development would occupy much of the appeal site, and due to its shallow depth and its prominent location, the introduction of built development would erode the sense of spaciousness of this part of Caldecote Road. This would result in a cramped form of development which would not sit comfortably between the adjacent buildings. Consequently, the proposed development would be out of character with the prevailing pattern of development in the locality and the CA".*

4.3.13 The Council's Conservation Officer has consistently sought to resist the development of this site due to the view that the siting of a dwelling in this location would result in less than substantial harm, with the level sited as moderate on the continuum, to the character and appearance of the Conservation Area. Indeed, whilst the opinion set out in the submitted DAS relating to the level of harm associated with this development is noted, this is not considered to be a correct understanding of the way to identify harm to a designated heritage asset, as stated by the Conservation Officer in their comments.

4.3.14 The Conservation Officer has fully considered the proposal in their formal comments, with the most salient points set out below:

*"In comparison to the previous refusal, the proposed dwelling forming the current proposal is significantly better in design terms including no overlooking into the rear garden of no.9 The Green but the front elevation would face towards what would be the reduced side garden to no.1 Caldecote Road. The fact that no.1 Caldecote Road has a relatively large and elongated side garden does not necessarily mean that it is appropriate to be developed upon. In short, the improved built form does not necessarily mean that it is acceptable in heritage terms.*

*The orientation of the building is such that when approaching the site from the north the front elevation of the proposal would be seen behind the pair of cottages whilst when approaching from the south the view would be of the proposed dwelling's rear elevation in the foreground. I remain unconvinced that a dwelling on this land would preserve or enhance the character or appearance of the NCA.*

*The harm arising from the loss of openness and rural character would be experienced primarily in the immediate vicinity of the site and would erode characteristics that contribute to the significance of the NCA. When weighed against that significance as a whole it would consequently amount to less than substantial harm".*

4.3.15 The Conservation Officer goes on to provide the following reason for refusal, which is largely similar to the previous two applications on this site:

*"No.1 Caldecote Road has a relatively large and elongated side garden which is an important, positive contributor to the character and appearance of the Conservation Area. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character. A dwelling would not enhance or better reveal the significance of the CA. The principle of a dwelling on this site would fail to preserve or enhance the character or appearance of the Newnham Conservation Area. The proposed dwelling would fail to satisfy the*

*provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The proposal will lead to less than substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not outweighed by public benefits of the development”.*

- 4.3.16 Overall, Officers consider that the Conservation Officer’s formal view on the proposal, which is largely consistent with the historic views on applications to develop this site and the views of the Inspector, is robust and fully justified. In heritage terms, the proposed detached dwelling would fail to preserve or enhance the character or appearance of the Newnham Conservation Area for the reasons set out above, contrary to Policy HE1 of the Local Plan and Section 16 of the NPPF. The degree of moderate harm on the less than substantial harm continuum is considered justified, and as per Paragraph 11d i) of the NPPF, it is considered that the application of policies in this Framework that protect areas or assets of particular importance (designated heritage assets) provides a strong reason for refusing the development proposed, which disengages the tilted balance in line with Paragraph 215 of the NPPF. This assessment will be undertaken at the end of the report.

#### Design and Impact on the Character of the Area

- 4.3.17 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.
- 4.3.18 The proposed dwelling has been re-designed from the previously refused applications to improve its general appearance and incorporate forms that are more akin to the rural area and local context, including gable ends, a chimney, and part two/single storey massing. The materials palette would consist of cream rendered walls on a brick plinth, grey slate roof tiles and timber windows. Overall, the building would appear to be a more suitable development compared to the previous two applications and would largely be an appropriate dwelling from a design/form/massing perspective.
- 4.3.19 However, Officers consider that it is not necessarily the design and external appearance of this proposal that is the issue, as indeed the Conservation Officer does acknowledge in their comments that *“In comparison to the previous refusal, the proposed dwelling forming the current proposal is significantly better in design terms including no overlooking into the rear garden of no.9 The Green”*. The issue here is the principle of any new built form on this prominent site in the Conservation Area, resulting in a loss of openness and rural character that would not preserve or enhance the character and appearance of the Newnham Conservation Area. For this reason, therefore, the development cannot be said to respond positively to the site’s local context, contrary to Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

#### Impact on Neighbouring Properties/Future Occupiers

- 4.3.20 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.
- 4.3.21 The site is the extended garden of No.1 Caldecote Road, the host dwelling which would be subdivided should this development take place. To the south-east of the plot

is the terrace of 4 dwellings on The Green, with the closest plot being No.9 which would share its side boundary with the proposed dwelling.

- 4.3.22 In terms of the host dwelling, the proposed dwelling would be appropriately positioned some distance from this property allowing it to retain a suitably sized private garden and private access. The dwelling would have first floor windows facing the host dwelling, which would serve bedrooms, but owing to the distance this is not considered unacceptable in terms of overlooking. There would be no overbearing impact or loss of daylight/sunlight.
- 4.3.23 In terms of the properties on The Green, especially No.9, the dwelling would be very visible given its position and scale. The two-storey massing has been sited away from the shared boundary with No.9 with the single-storey massing closest to the fence line, comprising a modest dual-pitched element with low eaves. The concerns of interested parties who occupy the four new dwellings on The Green are acknowledged, as the development will result in some impact on their general amenity given its scale, proximity to the boundary, and orientation. However, given that the dwelling is proposed to be single-storey closest to the boundary with No.9, with two-storey massing set back suitably, and it would incorporate no side facing windows at first floor, the perceived impact on these dwellings in respect of overdominance and loss of privacy is considered limited. The dwellings orientation relative to No.9 is such that any loss of sunlight would be into the late evening, and in any case be limited to the centre of their garden rather than their properties rear fenestration and immediate amenity area. Therefore, the level of impact on daylight/sunlight is not considered unacceptable either.
- 4.3.24 Overall, for the reasons set out above, it is considered that the proposal would not result in unacceptable levels of harm to the amenity and reasonable living conditions of neighbouring dwellings, such that an objection on this basis would not be supportable in an appeal scenario.
- 4.3.25 For the proposed future occupiers, the dwelling would exceed the nationally prescribed minimum space standards for its no. of bedrooms/persons, it 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, Access and Parking

- 4.3.26 The proposal would seek to use the existing access into the site. The Highway Authority have no objections to this proposal subject to conditions, which is considered acceptable.
- 4.3.27 The proposed development seeks to provide 2 parking spaces for the new dwelling and 2 spaces for the host property. This is in accordance with the requirements of the Vehicle Parking at New Developments SPD and Policy T2 of the Emerging Local Plan.

#### BNG/Ecology

- 4.3.28 The Council's Ecologist has confirmed that there are no objections to the proposal subject to conditions covering a Ecological Enhancement Plan and the mandatory 10% BNG condition. The proposal would seek to deliver ecological benefits including bird/bat boxes and would, in the event of approval, be required to show the required BNG in a BNG plan. This would accord with Policy NE4 of the Local Plan.

### Sustainability

- 4.3.29 The three overarching objectives of economic, social, and environmental sustainability are considerations that should be weighed up in the planning balance.
- 4.3.30 With respect to economic sustainability, the erection of 1 dwelling would bring modest benefits throughout the construction phase, which would likely utilise local tradesmen. Other economic benefits are the use of more local services in surrounding villages, as well as slightly more distant services in Letchworth and Baldock. These benefits are considered to be modest and attribute modest weight.
- 4.3.31 Social sustainability would be impacted through the delivery of 1 dwelling against the Council's five-year land supply position. The contribution that small sites can make to an areas housing figures is important, and this should be given modest weight.
- 4.3.32 Lastly, environmental sustainability would be impacted by the development. The development would utilise PDL, which would have the effect of not permitting development on land that is not PDL, such as Greenfield sites for example. However, Newnham has very little in the way of services which means that the occupiers would likely rely on private vehicles for the majority of their needs which is not inherently sustainable for the purposes of the environmental pillar in the NPPF. That said, the Local Plan identifies Newnham as a Category B village, capable of taking limited and appropriately located infill development, reduces the identified conflict with the aims of the NPPF in this regard. This should be afforded modest weight.

### Other Matters

#### 4.4 **Conclusion**

##### Planning Balance

- 4.4.1 At the time of writing the Council's five-year housing land supply is between 2.6 and 3.3 years, which is a significant shortfall. Therefore, the presumption in favour of sustainable development is engaged in accordance with paragraph 11(d) of the NPPF, where permission should be granted unless; i: the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site is within the Newnham Conservation Area (a designated heritage asset), and the application of policies which protect heritage assets must provide a strong reason for refusal in order to dis-engage the tilted balance. The consultation response from the Council's Conservation Officer offers a convincing view that, in accordance with the previous applications and dismissed appeal at this site, the proposed development would result in moderate harm on the less than substantial harm continuum to, and as a result fail to preserve or enhance, the character and appearance of the Conservation Area. This is deemed contrary to the aims of Section 16 of the NPPF and Policy HE1 of the Local Plan, providing a strong reason for refusing development on heritage grounds, which should be attributed significant weight in the planning balance. Therefore, given that the application of footnote 7 policies provides a strong reason for refusal, the tilted balance is disengaged, and the neutral balance is engaged, where it is still necessary for the decision taker to weigh up all other considerations and the benefits of the proposal must outweigh the harm, in line with paragraph 215 of the NPPF.

The significant five-year land supply shortfall and the location of the site are all favourable considerations for the principle of this development. The site is considered to technically constitute PDL in the context of the relevant case law (Dartford BC v SSLG), which attracts substantial weight. The site is located within a Category B village and Rural Area beyond the Green Belt within the Local Plan, where infill development is acceptable where it does not extend the built core of a village. The settlement has suitable services to accommodate limited growth and increased housing numbers. The scheme would be a very modest addition to the Council's housing supply shortfall and have limited social/economic benefits locally, which should be afforded modest weight.

However, the moderate harm on the less than substantial harm continuum to the character and appearance of the Conservation Area is an important material consideration in this instance. Officers are drawn to paragraph 18 of the previous Inspector's report which stated: *"The Council confirms that it has a 5-year deliverable housing land supply, which is not contested by the appellant. Even if the Council were not able to demonstrate a 5-year supply, and that it still represented an acute shortfall of 2.2 years, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed"*. Great weight must be given to the conservation of designated heritage assets.

As such, addressing all relevant matters in the neutral balance, it is considered that this identified harm to the character and appearance of the Conservation Area is not outweighed by the relatively modest benefits of the scheme, which is limited to 1 dwelling on PDL against the 5-year land supply and modest local social/economic benefits.

In accordance with paragraph 215 of the NPPF, the less than substantial harm occasioned by this development is not outweighed by the modest public benefits, which would dictate that planning permission be refused.

#### 4.5 **Alternative Options**

4.5.1 N/A

#### 4.6 **Pre-Commencement Conditions**

4.6.1 N/A

#### 5.0 **Recommendation**

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

1. No.1 Caldecote Road has a relatively large and elongated side garden which is an important, positive contributor to the character and appearance of the Conservation Area. A dwelling on this site would consolidate development on the east side of Caldecote Road eroding the settlement's loose-knit, verdant character. A dwelling would not enhance or better reveal the significance of the CA. The principle of a dwelling on this site would fail to preserve or enhance the character or appearance of the Newnham Conservation Area. The proposed dwelling would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The proposal will lead to less than

substantial harm to the significance of the designated heritage asset (Newnham Conservation Area) and this harm is not outweighed by public benefits of the development

**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.

|                                                                                                                                                                  |                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Signed</p><br><br><br><br><br><p>Shaun Greaves<br/>Determining Officer</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p><b>Date:</b> 23 February 2026</p>                                                                                                                             |                                                                                                                                                 |