

Planning Statement

Planning application

Erection of a replacement dwelling

The Cottage, Park Lane, Knebworth, SG3 6PP

DLA Ref: 25/655

February 2026

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1.0 INTRODUCTION

1.1.0 Background

1.1.1 This report relates to a planning application for the erection of a replacement dwelling at The Cottage, Park Lane, Knebworth.

1.2.0 Scope

1.2.1 This document comprises an overarching Planning Report. Sections 2 to 4 consider the physical, economic, social and historical context of the site, identifying the relevant local, regional and national planning policy framework; and Section 5 sets out the details of the proposal. All these sections inform the evaluation of the proposal in Section 6 against the identified planning policy framework. The overall conclusions are set out in Section 7, and which are summarised below at paragraph 1.3.0.

1.3.0 Summary

1.3.1 This report will demonstrate that the erection of a replacement dwelling would have a positive impact on the openness and visual amenity of the Green Belt compared to the fallback position. This is a very special circumstance which would clearly outweigh any harm caused by inappropriate development.

1.3.2 The proposed dwelling would be a highly sustainable dwelling that would include a number of water and energy saving features, with the applicant being committed to delivering a scheme that would have a Dwelling Emission Rate (DER) 35% lower than the Target Emission Rate (TER) set by current Part L.

1.3.3 The proposed dwelling would be of a high standard design that would enhance the appearance of the street scene.

1.3.4 The proposed dwelling would improve the standard of accommodation for future occupiers of the site and would not cause undue harm to neighbouring occupiers.

1.3.5 The scheme would not cause any impacts in terms of parking or highway safety.

2.0 SITE & CONTEXT ANALYSIS

2.1.0 Location

- 2.1.1 The site, shown in Figure 1 below, is located to the south of Park Lane, to the west of the A1(M) in between Old Knebworth and Knebworth villages.



Figure 1 - Site location

2.2.0 Application Site

- 2.2.1 The application site contains The Cottage, a former outbuilding that was granted a certificate of lawfulness under reference 24/01662/LDCE as a self-contained dwelling. This single storey dwelling also has consent under reference 24/02401/LDCP for the conversion of the adjoining garage into residential floorspace, as well as single storey extensions under references 25/01330/FPH and 24/02400/LDCP.

2.3.0 Context

- 2.3.1 Park Lane is predominantly residential in character, containing an eclectic mix of houses and styles that range from the early buildings, others that have been in-filled and conversions of existing buildings.

2.4.0 Planning Constraints

- 2.4.1 The only planning designation upon the site is that it is located within the Green Belt. The site is not within a Conservation Area, not within Flood Zones 2 or 3, and there are no Listed Buildings in the immediate vicinity of the site.

3.0 RELEVANT PLANNING HISTORY

3.1.0 Application Site

3.1.1 The relevant history of the application site is summarised in Figure 3.1.0 below.

LPA Ref	Proposal	Outcome
25/01330/FPH	Single storey extension and repositioning of porch.	Approved
24/01662/LDCE	Certificate of Lawfulness for the existing use of the outbuilding as a self-contained residential unit	Approved
24/02399/PNAA	Enlargement of detached bungalow by the construction of an additional storey to result in an overall height of 6.45 metres.	Approved
24/02401/LDCP	Replace 3no garage doors with windows to facilitate conversion of existing detached garage into habitable accommodation	Approved
24/02400/LDCP	Erection of single storey side and rear extension	Approved

3.2.0 Case Law – The Fall Back Position

3.2.1 Further to the above, as demonstrated in the Appendices of the Planning Statement that accompany the application, it is well established in case law that the ‘fall back’ position is capable of being a material planning consideration as detailed below:

Silver v Secretary of State for Communities and Local Government [2014] Justice Supperstone stated that the decision maker must have regard to any fall back position (paragraph 29), making reference to *Coln Park LLP v Secretary of State for Communities and Local Government [2011]*, wherein Collins J set out the test to be applied when considering a fall-back argument:

“It is ... whether there is a reasonable possibility that if planning permission were to be refused, use of land, or a development which has been permitted, would take place, and such use or development would be less desirable than that for which planning permission is sought.”

- **Zurich Assurance Limited V North Lincolnshire District Council [2012]** In the case of *Zurich Assurance Limited V North Lincolnshire District Council [2012]* Justice Hickinbottom concluded thus:

“The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a theoretical prospect. Where the possibility of the fallback position happening is ‘very slight indeed’, or merely ‘an outside chance’, that is sufficient to make the position a material consideration.”

4.0 POLICY CONTEXT

4.1.0 National Policy / Guidance

4.1.1 The National Planning Policy Framework (NPPF) 2024, sets out the Government's planning policies for England. It is considered that sections 11 (Making effective use of land), 12 (Achieving well-design places), 13 (Protecting Green Belt land) are considered directly relevant.

4.2.0 North Hertfordshire Local Plan 2011-2031

Policy No.	Title
SP1	Sustainable development in North Hertfordshire
SP5	Countryside and Green Belt
SP6	Sustainable transport
SP9	Design and Sustainability
SP12	Green Infrastructure, landscape and biodiversity
NE1	Strategic green infrastructure
NE2	Landscape
NE4	Biodiversity and geological sites
D1	Sustainable design
S2	House extensions, replacement dwellings and outbuildings
D3	Protecting living conditions
T2	Parking

4.3.0 Knebworth Neighbourhood Plan – adopted March 2022

Policy No	Title
KBDS1	Knebworth Village Character
KBLE5	Home Working
KBBE4	Design
KBEF2	Energy Conservation

5.0 DESCRIPTION OF DEVELOPMENT

5.1.0 Use

- 5.1.1 The proposal would retain the existing C3 residential use of the site in the form of a replacement dwelling.



Figure 2 - Proposed site plan

5.2.0 Layout

- 5.2.1 As shown in Figure 2 above, the proposed replacement dwelling would be located on the same footprint as the existing dwelling. It would also utilise the existing access, along with a parking area to the front of the property. There would be a large garden to the rear, as

well as various areas of planting and landscaping. The rear garden would also include a proposed swimming pool.

- 5.2.2 Internally, as shown in Figure 3 below, the ground floor would consist of a large open plan kitchen, a larder, two ensuite bedrooms, a w/c, 2x studies, a laundry/plant room, as well as a one bedroom annexe. At first floor, there would be an ensuite bedroom, living room, as well as access to an external balcony.

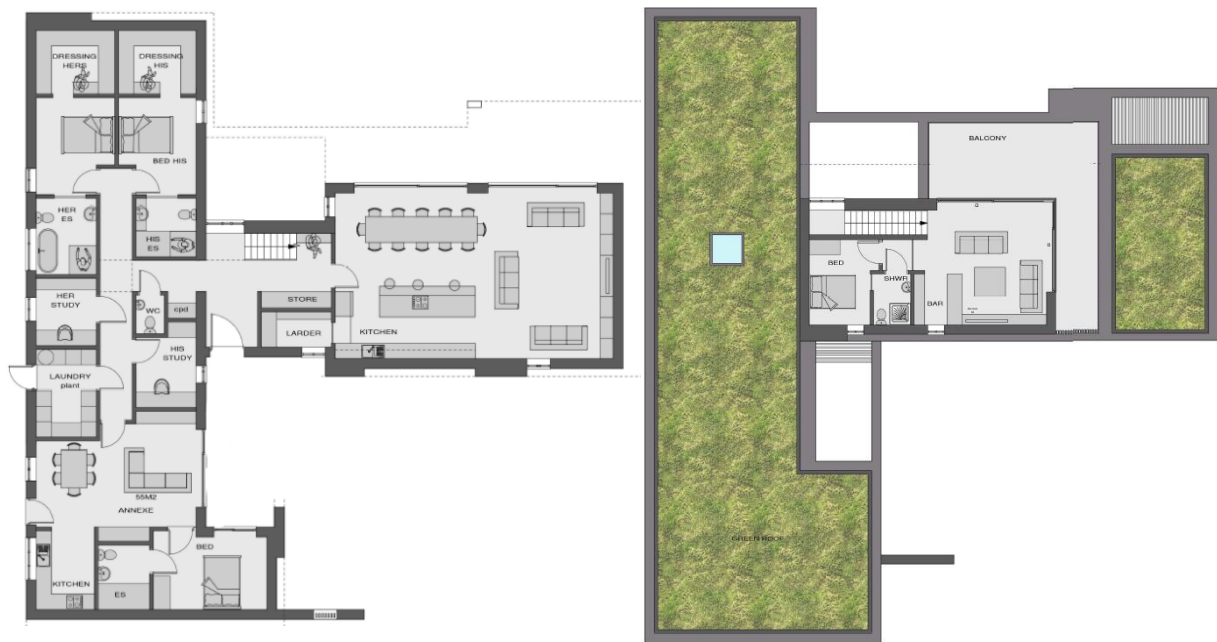


Figure 3 - Proposed ground floor (left) and roof / first floor plan (right)

5.3.0 Appearance & Scale

- 5.3.1 The proposed dwelling would have a modern, flat roof design, with high quality external materials. These would include vertical metal slats, black aluminium cladding, stone cladding, and timber cladding. The building would be predominantly single storey, measuring 2.8m to the roof, along with some modest first floor accommodation and an open balcony area. The first floor would be a further 2.8m in height, and all areas of the flat roof would be a green roof. The proposed front elevation is shown in Figure 4 below.



Figure 4 - Proposed front elevation

5.4.0 Landscaping

- 5.4.1 The scheme would result in no loss of any existing landscaping features on the site. The site would also include new areas of planting and landscaping, as well as the inclusion of the

large green roof. Any further landscaping could be provided via condition if considered necessary by the LPA.

5.5.0 Access & Parking

- 5.5.1 The scheme would result in no changes to the parking or access arrangements for the site, with the access being retained onto Park Lane and there being an area for parking in front of the dwelling. There would be space for at least 3x cars to park on the site, as well as areas for vehicles to manoeuvre and exit in a forward gear.

6.0 **PLANNING CONSIDERATIONS**

Based on the analysis set out in Sections 2 to 5, I consider that the application proposal raises the following issues, which I will consider in turn below:

1. Principle
2. Layout & Design
3. Highway Safety & Access

6.1.0 **Issue No 1: Principle**

6.1.1 The National Planning Policy Framework sets out the general presumption against development within the Green Belt, with defined exceptions. The NPPF exceptions include:
“154 (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”

6.1.2 Local Plan Policy SP5 states that the Council 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. Although the proposed dwelling would result in a dwelling that is materially larger than the one it replaces, therefore it wouldn't meet the exemption under 154(d), very special circumstances exist that would demonstrably outweigh any harm caused to the openness of the Green Belt.

6.1.3 **The Fallback Position**

The very special circumstance is the applicants' fallback position. This is that a larger and more incongruous dwelling could be built using their established permitted development rights. It is a well-established principle of planning that a decision maker must give significant weight to an applicant's fallback position when considering the impact of a development.

6.14 The previous decisions show that the dwelling could be significantly and lawfully extended. Approved application references 25/01330/FPH, 24/02399/PNAA, 24/02401/LDCP 24/02400/LDCP permitted the additional storey to the dwelling, conversion of the garage into habitable accommodation, a single storey and side extension, and another single storey side extension. The enlarged house would provide significantly enhanced accommodation for the occupiers of the property, it must therefore be acknowledged that there is a very realistic chance that the permitted development extensions would be erected. As such it is reasonable to compare the impact of the proposed dwelling with that of the existing property as extended using permitted development.

6.1.5 **Comparison between the proposal and the fallback position**

A comparison of the footprint, floorspace and volume between the proposed dwelling and the fallback position is provided in the table below.

	Volume (m ³)	Footprint (m ²)	Floorspace (m ²)
Existing dwelling with approved consents 25/01330/FPH, 24/02399/PNAA, 24/02401/LDCP 24/02400/LDCP	1007m ³	275m ²	290m ²
Proposed dwelling	981m ³	275m ²	288m ²
Percentage change	-26m³ (-2.5%)	-0m² (-0%)	-2m² (-1%)

6.1.6 As shown in the table above, the proposed dwelling would result in a reduction in the built volume on the site when compared to the lawful fallback position. The proposed dwelling would also result in a reductions to the amount of useable floorspace when compared to the fallback position, as well as having no greater amount of built footprint. These reductions in built development demonstrates that there would be an improvement in openness compared to the fallback position.

6.1.6 As well as there being a physical reduction in terms of the mass and bulk of the proposed dwelling when compared to the lawful fallback position, there would also be a visual reduction. Due to its flat roof design, the proposed dwelling would have a ridge height of only 5.6m, whereas the lawful fallback position would have a ridge up to 6.45m. In terms of mass and bulk at first floor level, there would also be a reduction from the fallback position, with both schemes having a similar amount of floorspace, but the proposed dwelling would have circa 50m³ less built volume at first floor level when compared to the fallback position. There would also be a reduction in sprawl, with the dwelling that could be built under the fallback position being significantly wider and longer, protruding towards the neighbouring boundary and the road frontage. This is evident in Figure 5 which shows the fallback position dwelling overlayed in red to the proposed scheme. It is therefore considered that the proposed scheme would be visually less intrusive in terms of its impact on openness when compared to the lawful fallback position given it has a lower height, less mass at first floor, and less sprawl around the site.



Figure 5 - Lawful fallback position overlayed onto the proposed scheme



- 6.1.8 The site also benefits from a change in levels, as well as existing boundary treatment, that means the low profile of the proposed dwelling would not be readily visible from the street scene. As shown in Figure 6 below, the proposed street scene would mean that there would only be a glimpse of the proposed dwelling being visible above the existing fence and landscaping, softening any potential impact on the visual amenity of the Green Belt.



Figure 6 - Proposed street scene

6.1.9 The five purposes of the Green Belt

The proposal would not harm any of the 5 purposes of maintaining Green Belt land as set in section 13 of the NPPF. The proposal would retain the existing residential use of the site and the building would not encroach any further into open countryside.

6.1.10 Conclusion

To conclude this issue, the proposed replacement dwelling would have a reduced impact on the openness and visual amenity of the Green Belt when compared to the fallback position of the existing dwelling as lawfully extended using extant certificates and planning applications. This is a very special circumstance which would clearly outweigh any harm that would occur by reason of inappropriate development. The proposal would therefore comply with the provisions of the NPPF.

6.2.0 Issue No 2: Layout & Design

- 6.2.1 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main dwelling in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. Knebworth Neighbourhood Plan contains policies KBDS1, which requires development to respect or enhance the special character of the village, and KBBE4, which requires all development to demonstrate good design. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

6.2.2 Design and appearance

The proposed dwelling would seek to have a modern design, utilising high quality materials. The site is not within a Conservation Area, and there is no set design within the immediate vicinity, therefore the proposed dwelling could be flexible in its approach. This has therefore allowed for a scheme to best suit the requirements of the future occupiers, be in accordance with Green Belt policy, provide a highly sustainable dwelling, as well as creating an attractive design that enhances the street scene and character of the area. Furthermore, due to the sloping nature of the site, combined with the proposed stone and



Figure 7- Proposed CGI visuals of the dwelling



timber finish and the green sedum roof, the proposed dwelling should blend in naturally to the landscape of the site from wider views.

6.2.3 Sustainability

The proposed dwelling would be a highly sustainable dwelling that would include a number of water and energy saving features, with the applicant being committed to delivering a scheme that would have a Dwelling Emission Rate (DER) 35% lower than the Target

Emission Rate (TER) set by current Part L. To help achieve this there are a number of sustainability elements within the design of the dwelling, such a sedum green roof, glazing/orientation for solar gain, utilising an air source heat pump, as well as having a MVHR ventilation system and being exceptionally airtight taking inspiration from passive house design.

6.2.4 Impact on future occupiers

The proposed dwelling has been designed as a custom build for future occupiers. The internal layout therefore provides their long term needs, with the dwelling being in accordance with the nationally described space standards. The dwelling also provides good levels of outlook, as well as sufficient levels of light into each room. The site plan also includes a large rear garden to provide ample amenity space for the future occupiers.

6.2.5 Impact on neighbours

The proposed dwelling would be located in excess of 20m from the nearest neighbouring dwelling (73 Park Lane) as well as being at least 5m away from the neighbouring boundary. The proposed dwelling would therefore not have a detriment impact in terms of loss of light or overbearing impact. In terms of potential overlooking, any proposed first floor windows would be located at least 10m away from the neighbouring boundary to No.73, as well as there being mature trees along that boundary that would be retained. There would therefore be no undue harm to the amenity of neighbouring occupiers from the proposed development.

6.2.5 Conclusion

The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan, policies KBDS1 and KBBE4 of the Neighbourhood Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

6.3.0 Issue No 3: Highway Safety & Access

6.3.1 The proposal would utilise the existing access from Park Lane. Manoeuvring space would be provided within the site to allow vehicles to exit safely in a forward gear. The proposal would therefore not be prejudicial to highway safety.

6.3.2 There is sufficient space to the front of the dwelling which would provide more than enough parking spaces. The proposals would therefore comfortably meet the Council's parking standards.

7.0 CONCLUSIONS

7.1.0 Background

7.1.1 This report relates to a planning application for the erection of a replacement dwelling at The Cottage, Park Lane, Knebworth. The proposal is promoted in the following circumstances:

- The proposed dwelling would have a reduced impact on the openness and visual amenity of the Green Belt when compared to the existing dwelling as could be lawfully extended using extant approvals. This is a very special circumstance which would clearly outweigh any harm that would occur by reason of inappropriate development. The proposal would therefore comply with the provisions of the NPPF.
- The proposed dwelling is of a high quality, attractive design, that would blend in well to the natural environment as well as enhancing the character and appearance of the street scene
- The proposed dwelling would be a highly sustainable dwelling that would include a number of water and energy saving features, with the applicant being committed to delivering a scheme that would have a Dwelling Emission Rate (DER) 35% lower than the Target Emission Rate (TER) set by current Part L.
- The dwelling would improve the standard of accommodation for future occupiers of the site and would not cause undue harm to neighbouring occupiers.
- The scheme would not cause any impacts in terms of parking or highway safety.

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