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PAUL ATTON
MRTPI

T: 01462 557786

Mr William Thompson
Planning Division
North Herts Council
Council Offices
Gernon Road
Letchworth
SG6 3JF

The Old Dairy Barn
Offley Hoo
Hoo Lane
Offley
Hitchin
SG5 3ED
weldonbeesly.com

My Ref:0147PA

Dear Mr Thompson

LAND AT BENDISH STABLES, HOLLYBUSH LANE, BENDISH, HITCHIN, SG4 8JA – 25/02839/PRE

Please find enclosed a full planning application for the following proposed development.

“Demolition of existing workshop, storage building, derelict glasshouses, sheds and pig-pens; erection of single storey self-build dwelling, access and all ancillary works”.

The planning application is accompanied by the following drawings and documents:-

Drawings:

Drawing: 01F Proposed Site Plan (Scandia-hus)
Drawing: 02A Ground Floor Plan
Drawing: 03A Roof Plan
Drawing: 04A Elevations
Drawing: 05 Outline Section
Drawing: EX01A Existing Site Plan
Drawing: L01C Location Plan
Drawing: BP02A Block Plan
Drawing: DP01C Demolition Plan
Drawing: CR01B Bin and Cycle Store
Drawings: 1 - 6 (scale 1:100@A4) Existing buildings/structures to be demolished.
Photos 1-10 of Existing buildings/structures to be demolished.
Computer Generated Images (CGI's) x 2
Scandia-hus Brochure (for information)

Appendices:

Appendix 1 – Streetmap Location Plan
Appendix 2 – Photographs 1-8
Appendix 3 – Environment Agency Flood Risk Map
Appendix 4 – Dartford Planning Caselaw
Appendix 5 – R Samuel Smith Planning Caselaw
Appendix 6 – Woodside House, Surrey Planning Appeal
Appendix 7 – Bus Route Maps
Appendix 8 – Bus Timetable Route 304
Appendix 9 – Bus Timetable Route 88

Appendix 10 - Five-Year Housing Land Supply Update Nov 2025 (North Herts Council)
Appendix 11 – NHC Planning Pre-application advice (25/02839/PRE) 10th February 2026
Appendix 12 – Listing Description Holly House (Field End House)

Documents:

Preliminary Ecological Appraisal (PEA) – Ecology By Design (April 2026)
Tree Survey and Arboricultural Impact Assessment – Tree Frontiers (April 2026)
Phase 1 Desk Study - Ground Contamination Report – Lustre Consulting (April 2026)
Noise Assessment - Lustre Consulting (April 2026)
Sustainability & Energy Statement - Scandia-Hus (April 2026)

Background and Site Context

Bendish Stables is a large, detached house with outbuildings, kitchen garden, run-down glass houses and pig-pens on the north side of Bendish Lane at its junction with Hollybush Lane. The house, with its outbuildings and land comprise a total area of 0.6 hectare. The planning application site area (edged red) is 0.26 hectare. Bendish Lane is a rural lane running between the settlements of Whitwell and Bendish. A Streetmap Location Plan is enclosed as **(Appendix 1)**. Photographs of the planning application site and its surroundings are enclosed as **(Appendix 2)**.

Mr & Mrs Anderson (applicants) (owners) are long standing local residents having previously lived in Bendish House (adjacent) and presently Bendish Stables for the last 33 years. Bendish Stables and its grounds is now too big for them. Being at retirement age, Mr & Mrs Anderson would like to downsize and build a small, self-build 3 bedroomed retirement bungalow to enable them to stay living in the area.

Proposed development - Use

The proposal is therefore to demolish several buildings, structures and hard surfaces in the grounds of Bendish Stables and redevelop these with a new, modest single storey eco-style dwelling – residential Use Class C3. The design of bungalow produced by Scandia-hus (“The Willows” – house type) has been selected to meet Mr & Mrs Anderson’s living requirements and which we consider the most appropriate and suitable for the site context.

The Willows – Design and Appearance

The proposed timber framed dwelling would be single storey with sloping pitched roofs - “The Willows” house-type. The proposed dwelling would have a maximum ridge height of 6.1 metres. It would have a contemporary design with vertically (brown stained) timber clad elevations with an orange/grey brick plinth. The roofs would be finished in natural slate with grey/black concrete ridge tiles. The fascias would comprise grey painted timber. The windows would be timber clad in “anthracite” coloured aluminium. Please refer to the submitted floor plan, elevations and (two) Computer Generated Images (CGI’s).

The Willows - Layout

The proposed dwelling would be positioned centrally on the plot, orientated to face west towards Hollybush Lane. The site would be laid out with to include a new (20 mm) gravel driveway serving three on-site parking spaces. The layout includes provision of a secure timber clad bin-store to hold up to 4 wheelie bins and cycle store for 2 cycles. Foul drainage would be to a new “Klargester” package treatment unit. Surface water from roofs will be harvested and the rainwater used for garden irrigation. The applicants are also investigating the re-use of this “grey water” for flushing toilets.

The Willows – Amount, size, scale

We set out below a table comparing floorspace and built volume of existing buildings and structures to be demolished compared with that of the proposed bungalow:

<u>Existing to be demolished</u>	<u>Sq M</u>	<u>Cub M</u>	<u>Proposed The Willows Sq M GEA</u>	<u>The Willows Cub M</u>
Workshop	110	295.8	180	650
Greenhouse 1	40.8	85		
Greenhouse 2	39.9	99.3		
Greenhouse 3	3.9	7.4		
Shed 1	5.5	5.3		
Shed 2	5.3	10.1		
Shed 3	3.1	6.4		
Shed 4	9.0	16.2		
Shed 5	14.2	33		
Pig-Sty 1	4.3	5.4		
Pig-Sty 2	4.3	5.4		
TOTAL	240.9	569.3	180	650

From the above table, the volume of proposed development would be broadly equivalent (approximately 14.5% increase) to the existing buildings and structures to be demolished. There would however be a net reduction of 26% in built floorspace (some 60 sq m) which is a planning benefit.

Landscaping

The new dwelling would be well screened by the existing trees and hedges to the site periphery. There are established trees and hedges on three frontages. The new boundary to Bendish Stables (northern boundary of the site) would be completed by constructing a new 1.8-metre-high close-board and stained timber fence. This would be supplemented with a new hedge, planted with native landscape species. Full details of new landscaping including the plant species to benefit wildlife can be agreed by planning condition.

Access

There is an existing gated vehicular access serving the planning application site from Hollybush Lane. The access would be slightly widened to serve the proposed new bungalow. There is also an existing access driveway onto Hollybush Lane serving Bendish Stables. This access driveway would be retained for use by that property and no changes are proposed.

Hollybush Lane is a no-through road presently serving 4 dwellings. There will be very little additional traffic. Visibility onto Hollybush Lane is good in both directions. Likewise, visibility onto Bendish Lane is also reasonable in both directions. Bendish Lane links the hamlet of Bendish to the villages of Whitwell to the south-east and Breachwood Green to the north-west.

Further details as to the site's accessibility are set out below in the section looking at the suitability of the location.

Planning History

Bendish Stables has been the subject of the following planning applications. We have summarised the planning history in the table below:-

16/02525/1NMA	Construction of existing pitched roof onto new kitchen roof to remove hidden gutter – granted 24 Oct 2016
14/02991/DOC	Samples of materials relating to 14/01682/1HH – approved 24 November 2014
14/03000/1NMA	Insertion of roof lantern over vaulted dining area – Granted 24 November 2014
14/01682/1HH	Single storey front, side and rear extensions and alterations to driveway and vehicular crossover – Granted 1 October 2014
13/01002/1EUD	(Bendish House) CLEUD Existing use of residential annexe as separate 3-bedroom dwelling – Granted 26 June 2013.

Planning policy

Relevant Local Plan Planning policies:

North Herts Local Plan 2011-2031

The main relevant North Herts Local Plan (2011-2031) policies which are likely to be applicable and relevant to the scheme are as follows:-

SP1 – Sustainable Development in North Hertfordshire
 SP5 – Countryside and Green Belt
 SP9 – Design and Sustainability
 SP13 / HE1 – Historic Environment
 T1 – Assessment of transport matters
 T2 – Parking
 D1 – Sustainable Design
 D2 – House extensions, replacement dwellings and outbuildings
 D3 – Protecting living conditions
 NE2 – Landscape
 NE4 – Biodiversity and geological sites
 NE7 – Reducing flood risk
 NE8 – Sustainable drainage systems

From the adopted North Herts Local Plan 2011-2031 - the site is located within the Green Belt. With reference to Policy SP5 Countryside and Green Belt criterion (c) *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.*

National policy within the NPPF (December 2024) makes an exception to development restraint policy by virtue of paragraph 154 (g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

The planning application site is located in Flood Zone 1, which has the lowest risk of flooding. Please refer to the Environment Agency Flood Risk Map enclosed as **(Appendix 3)**.

Supporting Planning Considerations

Principle - redevelopment of previously developed land

We refer to national policy within the NPPF (December 2024) which makes an exception to development restraint policy by virtue of paragraph 154 (g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would **not cause substantial harm to the openness** of the Green Belt.* (bold text my emphasis).

In considering this exception, there are two elements to focus upon. Firstly, whether the site is previously developed land and secondly confirming that the development does not have a substantial impact on the openness of the Green Belt.

Previously developed land is defined within the NPPF as “*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. It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.*”

The application site contains several permanent structures comprising a workshop, greenhouses, sheds, hardstanding areas, pigsties. (Historically, one or two pigs were kept by the applicants). The site complies with the core NPPF definition of PDL ie. it is ‘occupied by a permanent structure’ and ‘associated fixed surface infrastructure’.

The application site is a large kitchen garden used for growing fruit and vegetables by Mr & Mrs Anderson. We are instructed that the land has been used as a kitchen garden for many years and continues to be maintained in this use. In our opinion, this provides clear evidence of its domestic use and connection with the main residential use of the land. We are aware that the NPPF definition of PDL excludes land which was last used for agriculture. Small-scale domestic or hobby vegetable gardens are not classified as agricultural use in planning law. However, there is no history to this site which would support it ever having a commercial agricultural purpose.

We are aware that residential gardens are excluded from the definition of PDL. However, this only applies to those gardens located within a built-up area. This principle was confirmed in the Court of Appeal decision *Dartford Borough Council v Secretary of State for Communities and Local Government [2017] EWCA Civ 141. (Appendix 4)* In that case, the judge held that residential gardens outside of built-up areas should be considered previously developed land. The application site is surrounded by open fields and woodland with residential properties scattered amongst these. This provides clear evidence that the site is not urban or suburban in anyway and is sited within a rural context.

The proposed bungalow will replace a substantial timber workshop building, smaller outbuildings and greenhouses. The site is surrounded by established trees and hedgerows, discreetly screening it from Bendish Lane. The proposed dwelling will be modestly sized, single storey having a low-profile appearance and overall the scheme will have a minimal impact on openness.

The judge in the case of *R (Samuel Smith Old Brewery) v North Yorkshire County Council [2020] UKSC 3 (Appendix 5)* emphasized that the interpretation of openness can be broad and not limited to only visual elements. With this in mind, the scale and design of the proposed bungalow has been carefully chosen to limit impact on the openness of the Green Belt. Indeed, given the demolition of existing buildings and structures, the proposed development will reduce the current built floorspace by some 60 sq m.

Considering the spatial and visual appearance of the proposal therefore, in our view, the overall impact on the openness of the site would be modest and would not amount to substantial harm. The proposal

complies with the exception within paragraph 154(g) for development of previously developed land and would constitute an appropriate form of development in the Green Belt.

In my view, the proposal would not therefore be inappropriate as the new bungalow would occupy previously developed land in compliance with Policy SP5 of the Local Plan. We are also aware that demolition of existing buildings in the Green Belt and their replacement by a smaller floorspace of development has been deemed a very special circumstance in planning appeals.

Grey Belt

Para 155 of the NPPF states that the construction of new dwellings in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise Grey Belt land and would not fundamentally undermine the purpose of the remaining Green Belt across the area of the plan.
- b) There is a demonstratable unmet need for the type of development proposed;
- c) The development would be in a sustainable location with reference to paragraph 110 and 115 of the NPPF.

The NPPF defines Grey Belt as *land in the Green Belt comprising previously developed land and/or any land that, in either case, does not strongly contribute to any purpose of (a), (b), or (d) in paragraph 143 NPPF*. The site is previously developed land and forms part of the residential curtilage of Bendish Stables. In our view, it can therefore also be considered as Grey Belt.

Purposes (a), (b) and (d) identified in paragraph 143 are namely, to check unrestricted sprawl of large built-up areas, prevent neighbouring towns merging and to preserve the setting and special character of historic towns. The application site does not strongly contribute to any of those three purposes. The location is within a rural setting and would not be considered urban or built-up in any way. Therefore, the site could not be deemed to contribute to the prevention of urban sprawl or the merging of towns. Development would not have any impact of the special historic character of local towns.

Footnote 7 of the NPPF refers to specific protected areas and assets that provide a strong reason for refusing or restricting development within Grey Belt. This site is not directly impacted by any of these designations or assets.

Suitable location for a self-built plot

When assessing the suitability of location para 115 of the NPPF confirms that sustainable transport modes should be prioritised, whilst also considering the type and location of the development. Para 110 of the NPPF states that 'significant' development should be directed towards locations that are, or can be made, sustainable by minimising the need to travel and providing a choice of transport modes. The framework acknowledges that the opportunities to maximise sustainable transport solutions will vary between urban and rural settings. In an appeal decision for *Woodside House, Copthorne Bank, Copthorne, Surrey RH10 3JD Ref: APP/M3645/W/24/3347328 (Appendix 6)* the Inspector confirmed that the NPPF requires decision-makers to consider the rural context when evaluating opportunities for sustainable transport.

Bendish Stables is approximately 3.7 miles from Luton and 4.3 miles from Hitchin, both of which are established sustainable settlements, providing a plethora of services and facilities. Given the rural location it is likely that the applicants will continue to rely to an extent on motor vehicles for transportation. However, there are several nearby neighbouring villages, including Whitwell and Kimpton, which provide local essential amenities. These journeys are short, and the proposal does not pose any significant increase to existing vehicle movements on local highways network. Furthermore, these locations are within a reasonable cycling distance, therefore providing another option of transportation.

There are two local bus routes between Hitchin-St Albans (Bus 304) stop in Whitwell and Luton-Hitchin (Bus 88) stop in Breachwood Green. Both Whitwell and Breachwood Green are approximately 5 minutes' drive away from Bendish, so there is the opportunity for onward travel to nearby towns and villages by bus. The bus route maps are shown in **(Appendix 7)** and the bus timetables are within

(Appendices 8 and 9). The applicants advise that the bus stop in Whitwell is in walking distance of the site, having walked down into the village to catch a bus from time to time.

National Policy supporting Self-build

Paragraph 11(d) of the NPPF sets out that a presumption should be made in favour of sustainable development where the local policies most relevant for determining the application are out-of-date, including situations where the Local Authority cannot demonstrate a 5-year supply of deliverable housing. North Hertfordshire's Five-Year Housing Land Supply Update (provided in November 2025) states a deliverable housing supply of 3.3 years, with a deficit of 1,586 dwellings from 2025/26 – 2029/30. Please refer to **(Appendix 10)**. Thus, the presumption in favour of sustainable development should be made and the “tilted” balance in favour of development should be applied in this instance. Furthermore, paragraph 70(b) of NPPF 2025, encourages Local Authorities to “support opportunities for self-build and custom housebuilding by identifying land and granting permissions for such development”.

Sustainability SPD – September 2024

The proposed development will seek to comply with the Bronze (baseline) sustainability requirements outlined in North Hertfordshire Sustainability Supporting Planning Document - September 2024. Please refer to the submitted Sustainability and Energy Statement. We note that the Scandi-hus dwelling designs are energy efficient with high levels of insulation, triple glazed windows and the dwellings are fitted with renewable energy sources. The timber framed designs create an airtight structure which combined with other fittings create a thermally efficient dwelling. Furthermore, the timber frames are bespoke, made using slow-grown Scandinavian PEFC-sourced timber which is harvested under a forestry management policy of long-term renewal.

The applicants propose use of “A” rated appliances. The scheme includes for the provision of an EV charging point to cater for the charging of an electric vehicle. Secure storage for two bicycles is also provided.

The applicants propose use of water efficient fixtures and fittings including, aerating taps in sinks, basins and shower units. Rainwater from roofs is to be harvested and used for garden irrigation and potentially for flushing toilets, to save using mains water.

Pre-application Advice – 10th February 2026 (25/02839/PRE)

Design

Following on from your pre-application advice letter, a copy is attached within **(Appendix 11)** for reference, the applicants have worked with Scandi-hus to design an attractive (vertically) timber clad weatherboard bungalow for the site based on “The Willows” house type. You will recall that “The Willows” was the preferred design when studying the site at the pre-application meeting, the single storey design having limited visual impact on its surroundings. The use of natural and traditional construction materials (including a natural slate roof) is also appropriate. Likewise, the proposed gravel drive (resin bonded outside the entrance gate) and parking area maintains the rural character. The applicants, Scandia-hus and ourselves are pleased with the finished design (as represented in the submitted CGI's) which will be distinctive and appropriate for the site. Overall, the scheme complies with the sustainable design objectives within Policies SP9, D1 and D2 of the Local Plan.

Supporting Technical Reports

The applicants commissioned several supporting technical reports as recommended in your pre-application advice letter.

Tree survey and Arboricultural Impact Assessment (AIA)

A detailed survey of the existing trees on the planning application site has been carried out by Tree Frontiers (March 2026). The existing tree species and their condition have been categorised and relevant root protection areas specified in the AIA. There are 4 Category B trees (coloured blue) which are retained. Most of the trees are Category C (coloured grey), particularly to the site frontages (noted below) which are also retained.

Tree Frontiers advice has been adhered to in the siting of the proposed dwelling with only very minimal tree removal and pruning works required. Trees (G16) comprising small (garden) fruit trees (Plum) and G7 (part) Elder/Corkscrew Willow require removal. The AIA sets out the requisite tree protection measures which will be adhered to during the construction period. In this regard the proposed scheme very much respects the landscape character of the area complying with objectives within Policies NE2 and NE4 of the Local Plan.

Preliminary Ecological Appraisal (PEA)

Ecology by Design have carried out a full ecological appraisal of the application site. Their report dated April 2026 sets out key findings and potential impacts along with ecological enhancement and protection measures.

Custom and Self-Build dwellings are presently exempt from statutory 10% Biodiversity Net Gain.

As noted in the AIA, the majority of the existing trees and hedges within the planning application site (particularly on its southwest and southeastern boundaries to Bendish Lane and Hollybush Lane) are to be retained and protected. A new hedge is proposed to be planted (in native species) along the new boundary (northeastern boundary) to Bendish Stables which will supplement the existing trees and hedges on the site periphery and provide additional wildlife habitat. As well as the protection and enhancement measures set out by Ecology By Design, the applicants also propose new tree planting and a small wildlife pond within the site. Full details as to provision of these measures can be dealt with by planning condition. The project complies with Policy NE4 of the Local Plan.

Heritage Statement

In reviewing the national Heritage Gateway web site, the proposed bungalow will be approximately 50 metres from Holly House (Field End House), Hollybush Lane which is a Grade II Listed Building of architectural and historic interest. A copy of the listing description of the building is enclosed as **(Appendix 12)**. Holly House (Field End House) comprises a 16th Century house with various later, red/orange brick additions of interest. These include a red/orange brick “Estate Cottage” (with symmetrical proportions and diamond lattice windows) facing south on the Hollybush Lane frontage.

Having carefully considered the site context, we conclude there will be no harm to the setting of this listed building or the ability to appreciate its significance as a listed house. This is due to a) the 50 metre separation distance from Holly House (Field End House) to the proposed bungalow; b) the (retained) well landscaped views between Holly House (Field End House) and the application site with the intervening existing trees, hedges, brick and flint wall (part) to the boundaries; c) the shallow pitched roofs of the proposed bungalow (finished in natural slate) with a low ridge line of 6.1 metres; d) the attractive timber framed weatherboarded design of the proposed bungalow which utilises traditional construction materials; e) the proposed set back from Hollybush Lane (by some 24 metres) with intervening landscaping to ensure the scheme does not affect the setting or appreciation of the Hollybush Lane approach to the red/orange brick frontage of the listed “Estate Cottage” part of Holly House (Field End House).

The removal of the existing (ramshackle) buildings and structures within the application site will also engender an enhancement to the wider setting of Holly House (Field End House) and the rural surroundings. The project complies with Policies SP13 and HE1 of the Local Plan seeking to preserve or enhance the setting of heritage assets.

Phase 1 Desk Study – Ground Contamination Report

A full assessment (including a site walk-over) has been carried out on behalf of the applicants by Lustre Consulting. Contamination from the historical/current use of the site as a domestic kitchen garden is anticipated to be minimal with a moderate/low risk to future residents. This is based on the identification of limited, small scale hazardous material observed on-site, a small burning ground and likely made ground or re-worked soils. Lustre Consulting advise that a limited Phase 2 Site Investigation should be carried out on the grant of planning permission to assess potential contamination hotspots in areas of proposed soft landscaping. Likewise, a non-specialist watching brief during on-site groundworks should be carried out. These matters can be fully dealt with by way of planning conditions.

Noise Assessment

Following pre-application advice from the Council's Environmental Health Officer (EHO), Lustre Consulting conducted a noise assessment of the application site between 18th to 26th March 2026. An assessment was carried out given the proximity of the planning application site to Luton Airport and therefore propensity for intermittent noise from aircraft.

The assessment has shown that adequate internal noise levels in line with British Standard 8233:2014 guidance can be reasonably comfortably achieved, albeit with closed windows across all noise sensitive rooms with acoustically uprated fenestration involving triple glazing. To avoid internal overheating, Mechanical Heat and Ventilation Recovery (MHVR) units are also to be installed to enable windows to be kept closed in Summer months.

The external amenity areas are expected to exceed the upper BS8233:2014 noise guidance of 55 dB(A). However, Lustre Consulting advise that the underlying noise conditions easily comply with BS8233:2014 noise guidance. The applicants will adhere to advice set out within the Lustre Consulting Report with regarding to the building fabric, fenestration/window glazing and ventilation requirements to mitigate the scheme from the impact of intermittent aircraft noise and to protect living conditions in compliance with Local Plan Policy D3.

Brief Summary of planning benefits:

- Creating a modest self-build dwelling for occupation by a retired couple with longstanding association with the site and the settlement of Bendish.
- Removing run-down and eyesore buildings and structures within the Green Belt.
- Effectively re-using existing previously developed land.
- Creating an attractive, single storey and low-profile dwelling (with a pleasing contemporary weatherboarded design) which would have minimal visual impact on its surroundings.
- A timber framed design by a reputable company with a good track record of incorporating the highest standards of sustainability and energy saving measures.
- Engendering a new self-build dwelling where there is presently a shortfall of new housing.

We trust that officers find the scheme entirely acceptable and that the project can go forward for approval within the requisite timescales. Please contact me should you require any additional information or if you wish to meet on site to go through the proposals.

Yours sincerely,



Paul Atton MRTPI
Consultant Planner

Cc Niel and Linda Anderson

Encs