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By email only to – planning.control@north-herts.gov.uk

15 August 2024

Dear Sir/Madam,

Re: Demolition of Existing Buildings and Erection of 1 no. Residential Dwelling and Associated Works | Land at Luffenhall, North Hertfordshire, SG2 7PX.

We write on behalf of the Banks-Smith Family to submit a full planning application for the demolition of existing buildings and the erection of 1 no. residential dwelling and associated works on Land at Luffenhall, North Hertfordshire, SG2 7PX.

The application comprises the following:

- Planning Application Forms;
- Covering Letter w/ Planning, Design and Access Statement;
- 1066 – O3 Location Plan;
- 1066 – PLO4 Block Plan (Existing Site Plan);
- 1066 – PLO1a Site Plan;
- 1066 – O2a Elevations;
- 1066 – PLO3 Elevations;
- Landscaping Plan O1A; and,
- Ecological Appraisal.

The requisite fee has been paid directly to Planning Portal upon submission of the planning application.

This covering letter provides a Planning, Design & Access Statement which provides the necessary context behind the site and the proposed development, before providing an assessment of the proposed development.

Site Context.

The Site measures 3,380 sq. m and consists of part greenfield, part brownfield land which comprises a large dilapidated agricultural barn and associated hardstanding and a paddock. The developed part of the site has been used for the storage of various vehicles such as caravans, buses, trailers and boats since 2000, as indicated by aerial imagery.

The agricultural barn is L shaped and measures 360 sq. m, with a height of between 5 and 6 metres in height. The barn is constructed of wood and corrugated metal. The site features hedgerows and trees to the northern, southern and western boundaries, and fencing to the eastern boundary.

A high voltage power line crosses the site. A public footpath (Clothall 022) runs along the southern boundary of the site.

The site is accessed via a single-track road located to the west of the site.

Figure 1 provides an aerial view of the site. The submitted Site Location Plan illustrates the full extent of the site for planning purposes.



Figure 1 – Aerial View of the Site.

The surrounding area is predominantly rural in character and comprises a mix of agricultural land and dwellings. To the north of the site is the grade II listed barn at Church Farm, with the grade II listed Farmhouse beyond this. Agricultural land is located to the east and south of the site. A single-track road is located to the west of the site, with agricultural land beyond this.

The site is located within Luffenhall, a small hamlet located in the county of Hertfordshire. It is approximately four miles south-east of the town of Baldock, five miles north-east of the major town of Stevenage, and 30 miles north of London.

Luffenhall itself does not see any public transport services, or facilities and amenities, however, the number 384, 386, and 391 buses serve nearby towns Walkern, Cottered and Weston, respectively. These settlements also see limited facilities and amenities.

Planning History.

A search of North Herts Council's public access website does not indicate that any applications have been made on-site.

In March 2023, a pre-application planning enquiry (ref. 23/00645/PRE) was submitted to the Council concerning a residential development of up to 3 dwellings at the site. The Council's formal response was received on 29th May 2023. The summary states:

"From the above analysis I would conclude that a residential proposal on the site may not be in conflict with policies in the Local Plan or the Neighbourhood Plan – subject to a scheme being designed that meets the relevant criteria and is of an appropriate scale and appearance.

It is noted that the covering letter refers to the three objectives of achieving sustainable development as set out in paragraph 8 of the NPPF. Without full detail of a residential scheme to assess at this stage it is not possible to make a fully informed assessment against all three criteria and indeed it is acknowledged that the NPPF at paragraph 9 does say that they are not criteria against which every decision can or should be judged.

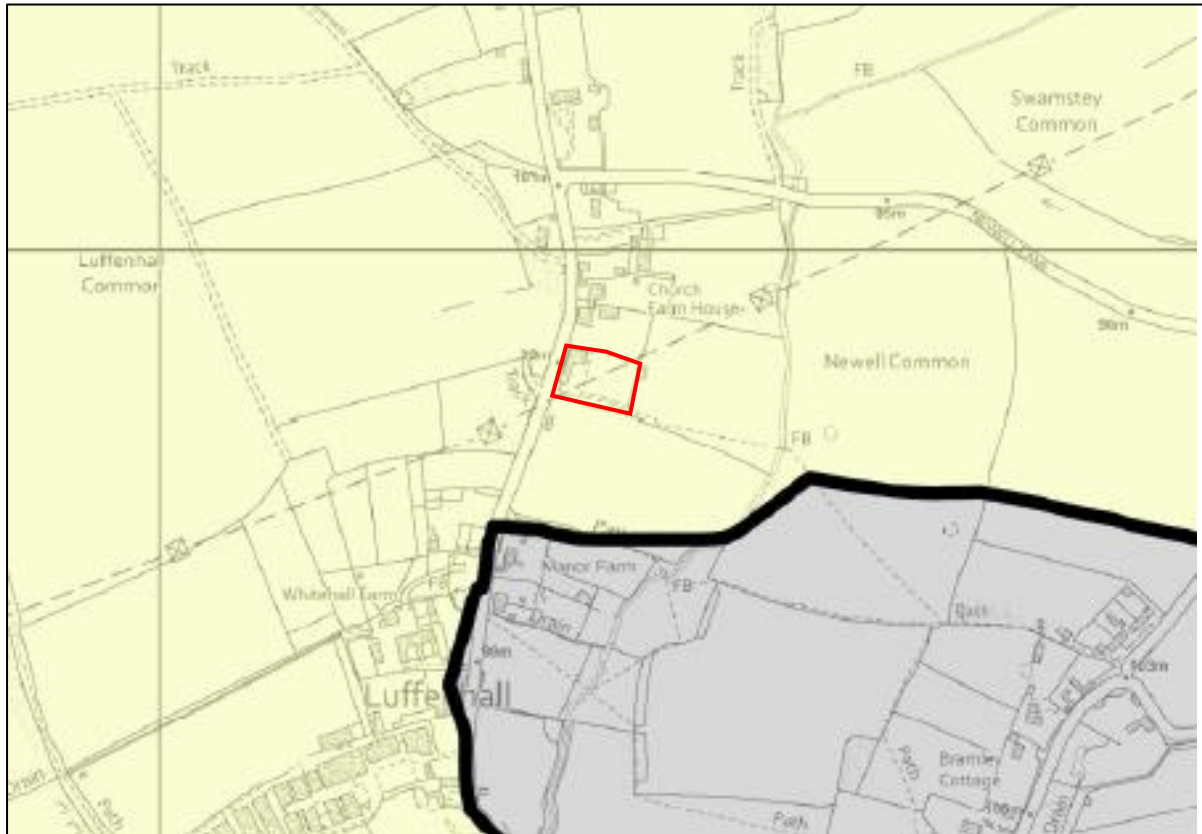
The key issue is whether a residential scheme can be considered to positively contribute to sustainable development. It is agreed that the economic objective could be met with the contribution that a construction scheme could make to the local economy although that would be the case for any normal development proposal. If no affordable housing is proposed then it would be difficult to see what social objectives would be satisfied with a small, open market residential scheme. The Council can demonstrate a five year supply of housing land with the adoption of the new local plan in November 2022 therefore the provision of dwellings would not be material advantage in social terms and even if it were the modest number that could be provided would not amount to a significant benefit. Improvements to the public footpath however could be seen as a social gain. In terms of the environmental objective my main concern would be the remote location of the development and reliance on the private car. There may also be harm to the environment from an inappropriately designed scheme but this could be balanced against the removal of the existing vehicles and barn that does not enhance the visual amenity of the area. Likewise there could be environmental harm from the loss of wildlife habitat but this could also be countered by appropriate ecological mitigation measures. There is potential for the development to enhance the local landscape and the setting of heritage assets therefore this could be seen a benefit".

The Council's pre-application enquiry response has helped to shape the development of the scheme. A set of initial architectural plans were sent to the Council in June 2024, seeking further feedback. The Council responded stating that one dwelling was a sensible proposal, rather than the

3 initially suggested in the pre-application enquiry, and the general design approach illustrated raises no concerns.

Site Constraints.

The site is located within a 'Rural Area Beyond the Green Belt' as prescribed by Policy CGB1. The site is not allocated for any use within the local plan. An extract of the policies map is provided at Figure 2. The 'Rural Area Beyond the Green Belt' designation is shown in yellow.



The site does not contain any listed buildings and is not located within a conservation area. The site is located to the south of listed buildings, however dense boundary vegetation physically separates the site and adjacent heritage assets.

The site is located within Flood Zone 1 and is therefore at the lowest probability of flooding. A search of Magic Map has confirmed there are no statutory landscape or ecological designations on or within 1km of the site.

A high voltage power line crosses the site. A public footpath (Clothall 022) runs along the southern boundary of the site.

Proposed Development.

Full planning permission is sought for the demolition of existing buildings and the erection of 1 no. residential dwelling and associated works.

The proposed development includes 1 no. 2-storey detached 4-bedroom residential dwelling measuring 135 sq. m. A detached single-storey double garage is also proposed, measuring 48 sq. m.

To the front of the property, there is a front garden which includes hard surfacing, turf and ornamental planting. To the rear of the property there is a turfed garden. To the east of the dwelling, the existing field is retained and enhanced for biodiversity net gain.

Planning Policy Considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises of the North Hertfordshire Local Plan 2011 – 2031, and any made Neighbourhood Plans.

North Hertfordshire Local Plan 2011 – 2031.

Policy SP2 prescribes the settlement hierarchy and spatial distribution for North Hertfordshire. It confirms that during the Plan Period, provision will be made for at least 13,000 homes. The majority of housing will be directed to towns, with the remainder provided within villages of varying scales. Policy SP2 states that *“development outside of these locations or general parameters will be permitted where this is supported by an adopted Neighbourhood Plan”*.

Policy SP5 relates to countryside and the Green Belt and states that the Council support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. Policy SP5 states that the Council will *“operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies”*.

Policy CGB1 seeks to control development within rural areas beyond the Green Belt. In such areas, *“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”.*

Policy CGB4 relates to existing buildings in the rural area beyond the Green Belt and states that planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

- *“Any existing building to be converted for re-use does not require major extension or reconstruction;*
- *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,*
- *Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them”.*

Baldock, Bygrave and Clothall Neighbourhood Plan 2021.

Policy V2 relates to Clothall and Luffenhall and states that “development within or immediately adjoining Clothall or Luffenhall should:

- a) [...]
- b) in the case of Luffenhall, be limited to those forms of development allowed by the North Hertfordshire Local Plan (excluding new housing, other than where it involves the conversion or replacement of an existing building); and
- c) maintain the rural appearance and physical form of these villages, with narrow lanes bordered with trees and hedgerows, a lack of continuous urban frontages, most houses set well back from the road and an absence of footpaths and street lighting”.

Other Material Considerations.

The National Planning Policy Framework.

National policy is set out within the National Planning Policy Framework (NPPF) 2023 which forms a material consideration in planning decisions.

The Revised Framework was published in December 2023 and sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 3 confirms the Framework should be read as a whole.

The Framework contains policies to guide both plan making and individual planning decisions to ensure the planning system contributes towards the achievement of sustainable development. Paragraph 7 confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development, including the provision of homes.

Paragraph 8 recognises that achieving sustainable development requires the planning system to have three overarching objectives: an economic, social and environmental objective. These

objectives are interdependent and need to be pursued in mutually supportive ways, to secure net gains across each of the different objectives. Notwithstanding this, there is no requirement to fulfil all three objectives to an equal extent and gains over one or two objectives can outweigh harm to the other objectives. The three objectives of the planning system are defined as follows:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 11 confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay. Paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.

In the case of this development proposal, the sections of the NPPF that are most relevant are:

- Section 2: Achieving Sustainable Development;
- Section 4: Decision-making;

- Section 5: Delivering a sufficient supply of homes;
- Section 6: Building a strong, competitive economy;
- Section 8: Promoting healthy and safe communities;
- Section 9: Promoting sustainable transport;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment; and,
- Section 16: Conserving and enhancing the historic environment.

Planning Practice Guidance (PPG).

The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF.

Planning Assessment.

Principle of Development.

The Provision of Housing.

The site is located within a rural area beyond the Green Belt. Policy SP5 states that the Council will *“operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies”*.

Policy CGB1 is relevant, which seeks to control development unless the development meets one of the following criteria:

- 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.

The proposal relates to the redevelopment of an existing rural building which is proposed to be demolished and cleared to facilitate the development of 1 no. dwelling. This form of development is therefore supported in principle, by Policy CGB1(d).

In regard to Policy CGB1, the Council’s pre-application response states: *“Annex 2 of the NPPF specifically excludes agricultural buildings from being considered ‘previously developed’ therefore I do not consider that the assertion that the site is brownfield land can be used as a reason to permit redevelopment”*.

From the existing uses on-site, it is clear the use of the site is more akin to storage uses than agricultural uses. It is likely the barn style building on-site was once in an agricultural use, but that this use has diminished over time. We maintain our view that the site is brownfield land and that Policy CGB1(d) applies to the development.

Regardless of the differences in opinion, Policy CGB4 also applies to the development which 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

The proposal is for the replacement of the existing building on-site, therefore criteria c & d are relevant. During the pre-application enquiry process, the Council considered that *"it could be possible for a residential conversion (subject to structural survey) or redevelopment to comply with criterion c) and d) of Policy CGB4"*

To comply with criterion c, the existing building on-site was surveyed to gain accurate dimensions of the building, these measurements were used to inform the design of the proposed dwelling. The existing building on-site measures between 4-5m in height, and has a total area of 360 sq. m.

The footprint of the dwelling measures 135 sq. m, and the dwelling has an overall height of roughly 7.75m. Whilst the dwelling has a greater overall height than the existing building, the footprint is substantially less than that of the existing building on-site, therefore it is not considered that the resultant building would have any materially greater impact on the openness, purposes or general policy aims of the Rural Area Beyond the Green Belt. As such, the development would accord with criterion c of Policy CGB4.

Criterion d requires *"Any outbuildings are sited as close as possible to the main building(s) and visually subordinate to them"*. As per the Site Plan, the proposed garage outbuilding is closely located to the main building, and as illustrated on the elevations drawing, would be visually subordinate by virtue of its overall scale and massing. On this basis, it is considered that the development would comply with Policy CGB4(d).

Overall, it is considered the design reflects the requirements of policy CGB4(c & d) and the development is acceptable in principle in this regard. As per pre-application discussions with the Council, the Council consider that the general design approach illustrated raises no concerns, therefore we trust the Council will support and share our conclusions.

Policy V2 of the Baldock, Bygrave and Clothall Neighbourhood Plan 2021 states that development within or immediately adjoining Clothall or Luffenhall should:

- a) “[...]”
- b) *in the case of Luffenhall, be limited to those forms of development allowed by the North Hertfordshire Local Plan (excluding new housing, other than where it involves the conversion or replacement of an existing building); and*
- c) *maintain the rural appearance and physical form of these villages, with narrow lanes bordered with trees and hedgerows, a lack of continuous urban frontages, most houses set well back from the road and an absence of footpaths and street lighting”.*

It has been demonstrated that the proposed development accords with policies of the North Hertfordshire Local Plan as required by criterion b, and would comply with criterion c by avoiding the removal of trees which border the adjacent lane. On this basis, the proposal would accord with Policy V2 of the neighbourhood plan.

Sustainable Development.

Policy SP5 of the Local Plan (‘Countryside and Green Belt’) is relevant in so much as it states that the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of detailed development management policies. It states that the sparser pattern of development means that many sites are not well located in relation to key services and that therefore it remains appropriate to restrain development in the Rural Area beyond the Green Belt.

This matter is discussed in the pre-application enquiry response which states: *“the site does not benefit from any nearby public transport links and there are no facilities or amenities in Luffenhall. With the lack of public footpaths and street lighting it is inevitable that the private car will be the main form of transport for future occupiers”*. Paragraph 84 of the NPPF refers to this issue and advises against the development of isolated homes in the countryside. However, paragraph 84 of the NPPF makes an exception to this, where *“the development would re-use redundant or disused buildings and enhance its immediate setting”*; as is the case for the proposed development.

Whilst the development would result in greater reliance on private transport for trips, ultimately the development of 1 no. dwelling would not result in any significant levels of trips that would have any unacceptable sustainability impacts. This opinion is shared by the Council within the pre-application enquiry response which states: *“Clearly the importance that can be attributed to this issue will depend on the number of residential units and a single unit or two is unlikely to result in any significant usage of private transport for occupiers to access necessary amenities and services”*.

Policy G4 of the Baldock, Bygrave and Clothall Neighbourhood Plan 2021 relates to sustainable design and states:

“Applications for new buildings or alterations to existing properties that use designs or features to achieve high levels of energy efficiency, resilience to rising temperatures and/or a sustainable use of resources will be supported (for example through their orientation, use of materials or by employing on-site renewable energy generation). Where roof-mounted solar panels are proposed and are not subject to permitted development rights, they

should be sited and designed so as to minimise the effect on the external appearance of the building”.

National policy also places great importance on delivering sustainable development to mitigate climate change. As such, various steps have been taken to ensure the development helps to contribute towards a reduction in the causes of climate change. The proposed development will be designed via a fabric-first approach and will feature renewable technology such as solar PV or air source heat pumps as required by Building Regulations. In addition, the dwelling will seek to reduce water consumption as much as practicable and will benefit from an electric vehicle charging point. Through these measures, the development will as a minimum, achieve the appropriate carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF and Policy G4 of the neighbourhood plan.

Design.

Section 12 of the NPPF states that the creation of high-quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Section 8 requires planning policies and decisions to achieve healthy, inclusive and safe places and beautiful buildings.

The importance of achieving good design is reflected within local policy. Policy SP9 seeks to ensure new development is well designed and sustainable.

The development features a high-quality and attractive bespoke designed house. The design of the home is similar to the style of existing buildings seen in the local area, to ensure the proposals reflect local character and appearance and allow the dwelling to assimilate into the site.

As illustrated by the site plan, overhead power lines are present over the site. During the site design process, it has been ensured that the dwelling is sited outside of swing distances prescribed by UK Power Networks.

The proposed development includes 4 carparking spaces; two within the garage and two provided externally on hardstanding.

The site design also includes generous front and rear garden areas, including an extensive soft landscaping scheme to soften the appearance of the development and contribute towards securing net gains in biodiversity.

Overall, a high-quality and well-designed development is proposed for the site in accordance with policy SP9 of the local plan and sections 8 and 12 of the NPPF.

Heritage Considerations.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('PLBCAA') requires decisions on development affecting a listed building or its setting to be taken with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The courts have held that with regards to proposed

development within the setting of a listed building, or which may impact on a listed building, the decision-maker must accord considerable importance and weight to the “desirability or preserving the listed building, or its setting”.

The NPPF provides for the application of the PLBCAA and also states that setting of a designated asset can contribute to its significance and therefore any harm or loss should require clear and convincing justification. Section 16 of the NPPF and Policies SP13 and HE1 of the local plan seek to ensure that heritage assets are appropriately protected.

The application site is located adjacent the Grade II barn at Church Farm and Church Farmhouse, located to the immediate north of the site.

Whilst located to the immediate north of the site, the Grade II barn at Church Farm and Church Farmhouse is considered to be physically separated from the site by virtue of the dense line of trees which are located along the northern boundary of the site. The presence of this vegetation ensures there is no visual relationship between the heritage asset and the site, therefore impacts to the heritage asset would be minimal; less than substantial, at the lower end of the scale, as a worse-case scenario.

However, given the current condition of the site with a dilapidated barn building, and the open-air storage of vehicles, it is considered that the redevelopment of the site with a high-quality and attractive dwelling that is in-keeping with the character and appearance of the locality would improve the character and appearance of the site, helping to enhance the immediate setting of the adjacent heritage asset. This scheme benefit is considered to greatly outweigh any minimal harm that may arise.

Overall, the proposed development would help to conserve and enhance the historic environment, in line with section 16 of the NPPF, and policies SP13 and HE1 of the local plan.

Highways Impacts.

Access to the proposed development would be taken via the existing access located to the eastern side of the single-track carriageway. The access benefits from sufficient visibility (as illustrated by visibility splays provided on the Site Plan), and low travel speeds owing to the nature of narrow single-track roads. Within the site, a double garage is proposed, as well as two other parking spaces, ensuring the dwelling is served by sufficient carparking arrangements for occupiers and visitors alike.

The proposed development of 1 no. residential dwelling would not generate any significant levels of trips to and from the site which would impact upon the operation of the local highway network.

Significantly, the low number of trips would be less than or at the very most equal to the levels of trips generated by the existing use of the site as storage.

Ecology.

Policy NE4 states that *"Planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity"* and requires *"All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible"*. Paragraph 185 of the NPPF seeks to achieve measurable net gains for biodiversity, and the Environment Act requires development proposals to achieve a 10% net gain for biodiversity.

An Ecological Appraisal has been prepared in support of the application to consider potential impacts arising to ecology and biodiversity net gain. The Ecological Appraisal identifies the site to support just three semi-natural habitats, a native hedgerow with trees, mixed scrub and a single individual tree. None of these habitats are considered important at site or neighbourhood level although native hedgerows are nationally considered to be Habitats of Principal Importance. With the habitats considered to be of very low value, any impacts on these habitats resulting from redevelopment are not predicted to be significant. Although these habitats do have the potential to support protected and important species, specifically reptiles and hedgehogs, surveys have revealed their likely absence from within the site. In addition, the barn was considered to have a low potential to support roosting bats with a low number of possible roosting places identified and the location of a few bat droppings inside the barn. Further evening emergence bat surveys of the barn revealed no emergence or current evidence of bat roosting at this time. As such, no adverse ecological impacts relating to protected species are expected in accordance with Policy NE4.

In terms of Biodiversity Net Gain, the Ecological Appraisal identifies the baseline value of the site to be 0.1462 habitat units and 0.296 hedgerow units. A substantial soft landscaping scheme is proposed which aims to soften the appearance of the development, contribute towards placemaking, and secure habitat enhancements at the site. The landscaping scheme comprises turf to front and rear gardens; areas of mixed scrub, native scrub and a variety of fruit trees. The proposed soft landscaping scheme has been identified to result in a substantial 160.10% net gain in habitat units and 40.71% net gain in hedgerow units. Clearly, this is a substantial net gain for biodiversity, well in excess of the mandatory 10% net gain. Accordingly, the proposed development would accord with Policy NE4 of the local plan and paragraph 185 of the NPPF.

Flood Risk & Drainage.

Policy NE7 seeks to ensure that proposals are at an acceptable risk of flooding. The Site is located within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers and the sea. The Site is less than 1ha, therefore no flood risk assessment is necessary. Proposed means of on-site drainage can be dealt with via planning condition.

Conclusion.

This Planning Statement has been prepared by BG Planning in support of a full planning application for the demolition of existing buildings and the erection of 1 no. residential dwelling and associated works on Land at Luffenhall, North Hertfordshire, SG2 7PX.

This report considers the proposal against the content of the Development Plan and other material considerations, including the Government's National Planning Policy Framework. This Statement and the submitted reports confirm that the development can be accommodated on-site without any unacceptable adverse impacts.

On the basis of the above, and those other matters considered in this statement, it is considered that the proposed development accords with the Development Plan and there are no material considerations to indicate otherwise. The Local Planning Authority is therefore respectfully requested to approve the application without delay.