

**WELWYN HATFIELD BOROUGH COUNCIL  
ASSISTANT DIRECTOR (PLANNING)**

**DELEGATED APPLICATION**

**Application No:** 6/2023/0677/FULL  
**Location:** Land adjacent to the Warren 8 Carbone Hill Northaw Potters Bar  
 EN6 4PL  
**Proposal:** Erection of a dwellinghouse  
**Officer:** Ms Kirsty Shirley

**Recommendation:** Granted

21/276/2023/0677/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>Land at The Warren is proposed to be subdivided, which would allow for the application site. The application site is located within a ribbon of sizeable, detached dwellings to the southeast of Carbone Hill. The application site features hedging to the front of the site with many trees located within the site.</p> <p>The application site is entirely within the Metropolitan Green Belt.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>SAG - 0 - Distance: 0            GB - Greenbelt - Distance: 0            LCA - Landscape Character Area (Northaw Great Wood) - Distance: 0            LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0            SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 51.1            PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0            SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 51.1            Wards - Northaw &amp; Cuffley - Distance: 0            A4D - Article 4 Direction - Glasshouses, market gardens and nursery grounds - Distance: 0            WILD - Home Wood (Cuffley) - Distance: 0            HEN - No known habitats present (high priority for habitat creation) - Distance: 0            HEN - Existing S41 NERC Act habitat - Distance: 0            SAGB - Sand and Gravel Belt - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: E6/1955/0459/            Decision: Granted            Decision Date: 19 May 1955            Proposal: Additional vehicular access</p> <p>Application Number: E6/1973/0791/            Decision: Refused            Decision Date: 30 April 1973            Proposal: Two storey chalet extension to outbuilding to form old persons annex.</p> <p>Application Number: E6/1973/2285/            Decision: Refused</p>

	<p>Decision Date: 30 July 1973  Proposal: 6 detached houses with double garages and access road.</p> <p>Application Number: E6/1973/3715/  Decision: Refused  Decision Date: 07 September 1973  Proposal: Two storey side extension</p> <p>Application Number: E6/1973/5564/  Decision: Granted  Decision Date: 12 February 1974  Proposal: Two storey side extension.</p> <p>Application Number: S6/1992/0144/FP  Decision: Granted  Decision Date: 21 April 1992  Proposal: Extensions and alterations to existing dwelling; alterations to vehicular access</p> <p>Application Number: S6/1993/0226/FP  Decision: Granted  Decision Date: 10 May 1993  Proposal: Alterations to elevations and new front porch (re-submission)</p> <p>Application Number: S6/1993/0132/FP  Decision: Refused  Decision Date: 13 May 1993  Proposal: Erection of detached triple garage</p> <p>Application Number: S6/2013/2225/FP  Decision: Refused  Decision Date: 20 December 2013  Proposal: Extensions and alterations to existing dwelling to include front and rear two storey extensions, and first floor balcony</p> <p>Application Number: S6/2014/1982/FP  Decision: Granted  Decision Date: 03 November 2014  Proposal: Erection of single storey rear extension and new porch following demolition of existing sun room</p> <p>Application Number: S6/2014/2447/LUP  Decision: Granted  Decision Date: 10 December 2014  Proposal: Certificate of lawfulness for the proposed erection of a single storey side and two storey rear extension</p> <p>Application Number: S6/2015/0331/FP  Decision: Granted  Decision Date: 15 April 2015  Proposal: Erection of single storey front extension</p> <p>Application Number: 6/2017/0430/LAWE  Decision: Refused  Decision Date: 17 May 2017</p>
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	<p>Proposal: Certificate of lawfulness for existing outbuilding to be ancillary to the existing dwelling</p> <p>Application Number: 6/2018/2084/HOUSE Decision: Granted Decision Date: 05 October 2018 Proposal: Retrospective erection of garden store</p> <p>Application Number: 6/2018/3158/HOUSE Decision: Granted Decision Date: 18 February 2019 Proposal: Erection of boundary fence, laurel hedge, brick piers and double gates following the removal of existing fence and entrance gates</p> <p>Application Number: 6/2019/0629/HOUSE Decision: Refused Decision Date: 10 May 2019 Proposal: Erection of boundary fence, hedge, brick piers and gates following the removal of existing fence and entrance gates</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour notification letter		
<b>Summary of neighbour responses</b>	None received		
<b>Consultees and responses</b>	<p>Northaw &amp; Cuffley Parish Council – Object: <i>The Parish Council consider this proposed development inappropriate within the green belt with no special circumstances demonstrated it is also in an unsustainable location. It should be noted that similar proposed developments in the same area have been refused.</i></p> <p>WHBC Client Services – Comment: <i>The property could be incorporated on the existing ARRC scheme and would receive a set of 2 bins for refuse &amp; recycling FOC 1 x 180l black bin for refuse and 1 x 240l Blue lidded bin for recycling a food waste caddy.</i></p> <p>Natural England – Comment: <i>The designated site which could be impacted by this proposal is the Northaw Great Wood Site of Special Scientific Interest (SSSI).</i></p> <p>HCC Hertfordshire Transport Programmes &amp; Strategy – Comment: <i>Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and consequently have no objections on highway grounds subject to the above recommended planning conditions and highway informatives.</i></p> <p>WHBC Landscapes team – Comment: <i>The information supplied is on accordance with BS:5837:2012 and is considered sufficient to protect the trees on site. If approved it must be adhered to fully. The proposal will require the removal of some of the hedging along the boundary - the extent of the hedge removal and any new boundary treatments should be clarified if approved.</i></p>		

	<p>Herts &amp; Middlesex Bat Group – no response</p> <p>Herts &amp; Middlesex Wildlife Trust – no response</p> <p>Hertfordshire Ecology – no response</p>
<b>Relevant Policies</b>	
<p><input checked="" type="checkbox"/> NPPF  <input checked="" type="checkbox"/> D1   <input checked="" type="checkbox"/> D2   <input checked="" type="checkbox"/> GBSP1   <input type="checkbox"/> GBSP2   <input checked="" type="checkbox"/> M14  <input checked="" type="checkbox"/> Supplementary Design Guidance   <input checked="" type="checkbox"/> Supplementary Parking Guidance   <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes  Others:  SD1 Sustainable Development  D8 Landscaping  R1 Maximising the Use of Previously Developed Land  R17 Trees, Woodlands and Hedgerows  R19 Noise and Vibration  RA10 Landscape Character Assessment  H2 Location of Windfall Housing Development</p> <p><b>The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan) Policies:</b>  SADM1 Windfall Development  SADM2 Highway Network and Safety  SADM11 Amenity and Layout  SADM12 Parking, Servicing and Refuse  SP1 Delivering Sustainable Development  SP9 Place Making and High Quality Design</p> <p><b>Northaw and Cuffley Neighbourhood Plan 2022 to 2036 Policies:</b>  D1 Residential Design and Amenity  D2 Local Character  T2 Walking and Cycling</p>	
<b>Main Issues</b>	
<b>Principle of development</b>	<p>District Plan Policy SD1 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan. Policy R1 requires development to take place on previously developed land and Policy GBSP2 directs new development into the existing towns and specified settlements within the district. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings and the efficient use of land taking into account, amongst other criteria, the desirability of maintaining an area’s prevailing character and the importance of securing well designed and attractive places.</p> <p>The site has not been allocated for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. Policy H2 of the District Plan relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:</p>

- (i) The availability of previously-developed sites and/or buildings;*
- (ii) The location and accessibility of the site to services and facilities by transport modes other than the car;*
- (iii) The capacity of existing and potential infrastructure to absorb further development;*
- (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities;*
- (v) The physical and environmental constraints on development of land.*

Policy SADM1 is also relevant in regard to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

Land in built-up areas such as residential gardens is not classed as previously developed land, having a lower priority for development, but that does not mean they cannot be built on in any circumstances. The need to make efficient use of urban land remains a policy objective. Consequently, whilst the proposals would conflict with District Plan Policy R1, the suitability of the site for development and availability of previously developed land elsewhere is to be weighed in the planning balance in accordance with criterion (i) of Policy H2 and the NPPF.

The application site is located outside of but close to the edge of the specified settlement of Cuffley. Due to the application site being located in close proximity to an established residential area, there is no reason to believe that the existing infrastructure would not be able to absorb the development for a single dwelling. A variety of facilities, shops and services are available in Cuffley, notably on Station Road, which is approximately 1.3 miles from the application site. The Cuffley railway station is located approximately 1.5 miles from the site and the closest bus stop is located approximately 0.5 miles from the site on The Ridgeway. Whilst there are some pedestrian walkways between the site and Cuffley, street lighting is infrequent and the journeys would involve some roads (including Carbone Hill itself) without a footpath. It is considered these routes are less likely to be used by pedestrians. This would be particularly the case for those with limited mobility, parents with young children or at night, or in inclement weather. It is accepted that cycling could be an option for some.

Paragraph 105 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. Given the distances involved and the limited bus services from these stops, it is still considered highly likely that future occupiers would be primarily reliant on the use of a car to access day to day facilities and services.

Journeys to reach services from the site would be fairly short, helping to minimise the environmental impact of travel by private vehicle. The number of journeys is also likely to be limited given the small scale of the proposal, and there is no evidence that there would be unacceptable harm to highway safety or convenience. These factors would moderate the adverse effects of the proposal. It is also recognised that the NPPF comments that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, the likely degree of reliance on private vehicles would be

	<p>contrary to the NPPF insofar as it highlights accessible services to meet needs as a key aspect of sustainable development; and advocates identifying and pursuing opportunities to promote walking, cycling and public transport, actively managing patterns of growth to support this objective. It would also conflict with District Plan Policies SD1, GBSP2 and H2 insofar as they together broadly seek development to be sustainably located for services and facilities by transport modes other than the car. The adverse impact would be limited, but it is concluded that the development would not be in a suitable location having regard to the accessibility of services and facilities.</p> <p>It is therefore acknowledged that there would be a degree of conflict with Policies SD1 and H2. This is discussed in more detail later in this report, and the physical and environmental constraints on development of the land are discussed below.</p>
<p><b>Green Belt</b></p>	<p>The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p><b>Appropriateness</b></p> <p>Paragraph 149 of the NPPF outlines that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, unless they meet specific exceptions. Paragraph 149(e) of the NPPF states that new buildings are not inappropriate if they are considered to constitute the limited infilling of a village.</p> <p>The NPPF does not provide any guidance as to what constitutes a village or what constitutes limited infilling.</p> <p>Cuffley is a large village and the site is outside of its settlement boundary as designated in both the District and Emerging Local Plan. However case law set out in Julian Wood v SoS and Gravesham Borough Council [2015] found that the term “village” is not necessarily the same as a settlement boundary, and that there is a need to consider the facts on the ground.</p> <p>The defined settlement boundary in the development plan ends approximately 400 metres as the crow flies before the application site. Ribbon development however continues out of the settlement on both sides of the road, which is intersecting by Vineyards Road to the south and Carbone Hill to the north. The street scene remains verdant and open when passing the site into and out of the defined settlement, with spacings between dwellings remaining mostly consistent. This consistency is notable for the dwellings to the north of Carbone Hill once travelled approximately 160m from the start Carbone Hill when travelling north from The Ridgeway. The character and appearance of the area between the outer limits of the defined settlement along The Ridgeway and the application site is considered to be relatively consistent and unchanged. Accordingly, on the ground in this case the site is considered to lie</p>

	<p>within a village for planning policy purposes. Policy SADM34 of the Council's Emerging Local Plan however outlines that limited infill development will be permitted in villages within the Green Belt provided:</p> <ul style="list-style-type: none"> <li>i. It is within a continuous built-up frontage.</li> <li>ii. It does not extend the existing 'built up' area of the village into the open countryside.</li> <li>iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement.</li> <li>iv. It is small scale and would not result in the provision of more than four dwellings (net).</li> </ul> <p>While the Draft Local Plan has yet to be adopted, the plan is at Main Modifications and therefore significant weight is attributed to Policy SADM34. The proposal would result in the provision of one dwelling sited in a gap. While the gap is sizeable, plots within this area are considerable in size and the dwelling would not exceed the front building line of the dwellings along this part of Carbone Hill. It is therefore considered that the proposed dwelling would be within continuous built-up frontage. Also, it would not extend the existing 'built up' area of the village into open countryside nor result in the loss of the view or vista which makes a significant contribution to the character of the settlement. Accordingly, it is considered that the proposal would represent limited infilling. The proposal would be limited infilling in a village and therefore be appropriate development in the Green Belt. As appropriate development in the Green Belt, an assessment of Green Belt openness and the purposes of including land within it is not required.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>District Plan Policies D1 and D2 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character. These policies are consistent with the design policies contained in the draft Local Plan (SP1, SP9 and SADM11) and the Northaw and Cuffley Neighbourhood Plan (D1 and D2).</p> <p>Policy D1 of the Northaw and Cuffley Neighbourhood Plan regards residential design and amenity with Policy D2 referring to the local character. Appendix 2 provides further guidance in support of policies D1 and D2, with extracts from previous local character assessments that should be used to inform all development proposals.</p> <p>The proposed dwelling would be considerable in size and scale but would respect and relate to the dwellings within the context of the site. The dwelling would feature a crown roof, with front and rear facing gable features that project slightly from roof level to ground floor. Two hipped roof dormers would be positioned within the front facing roofslope with a gable feature above the entranceway. A garage would be positioned to the left of the side and would feature a Dutch gable roof.</p>

	<p>The principal elevation of the dwelling would face towards Carbone Hill and features of the dwelling would be in keeping with the gable and Dutch roofs features that are characteristic of the wider area. The proposed material palette would include off white render, red clay tiles, brickwork and timber which would be consistent and in keeping with the material palette of the wider area. Specific details regarding the materials have not been submitted but these can be secured by condition in the event of an approval.</p> <p>The ridge height of the proposed dwelling would respect the roof heights of adjoining neighbours and sloping land levels in the area, in conformity with the ridge heights of adjacent properties.</p> <p>The dwelling would be positioned more than 1m from the shared boundaries of adjoining neighbours, with considerably greater separation distance at first-floor level from the shared boundary lines.</p> <p>Policy D1 (j) of the NCPC Neighbourhood Plan states security fences and gates will not be supported with paragraph 3.13 explaining that such features can be designed in a manner that undermines the character and appearance of Cuffley. Drawing 21-J3888-01 A demonstrates the location of a proposed front boundary treatment. Whilst details of gates and were submitted with the application, these details are not to be approved drawings, as confirmed by the applicant. Details of the front boundary treatment can be secured by condition to ensure that such features would not harm the undermine the character and appearance of the area.</p>
<p><b>Impact on neighbours</b></p>	<p>No neighbour representations have been received.</p> <p>The proposed dwelling and adjoining neighbours would have rear gardens that face southeast, benefitting from long periods of sunlight for most of the day. The scale and positioning of the development would not result in adjoining neighbours to experience an undue loss of sunlight, nor would the development appear overbearing or unduly dominant towards adjoining neighbours.</p> <p>Policy D1 of the Northaw and Cuffley Neighbourhood Plan advises the 45-degree rule should be incorporated in design. The positioning of the development within the plot would ensure that the 45-degree rule is adhered to in this case.</p> <p>Two windows in the flank elevation facing towards adjoining neighbour No. 2a and one window in the flank elevation facing towards adjoining neighbour The Warren would be inserted at first-floor level. The scale of the windows and considerable separation distances at first-floor level between adjoining neighbours would ensure that the occupiers of adjacent properties would not experience an undue loss of privacy.</p>
<p><b>Future occupier amenity</b></p>	<p>District Plan Policy D1, in conjunction with the SDG, outlines that development will be required to provide a good standard of amenity for buildings and external open spaces. Paragraph 130 of the NPPF outlines that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Emerging Policy SADM11 requires, as a minimum for proposed dwellings, to meet the Nationally Described Space Standard (NDSS), unless it can be robustly</p>



	<p>demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements floor space and storage for new dwellings.</p> <p>The internal spaces of the proposed dwelling would exceed the space standards outlined in the NDSS.</p> <p>In terms of private amenity space, Policies H4 and D1 of the District Plan, SADM11 of the Emerging Local Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Northaw and Cuffley Parish Neighbourhood Plan Appendix 2 advises dwellings should have generously proportioned front and rear gardens. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. The Council will look at the size of the unit proposed in relation to the size of the garden.</p> <p>The proposal would result in a sizeable front garden and substantially sized rear garden for the proposed dwelling, as well as retaining considerably sized garden spaces for The Warren.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>In terms of parking paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.</p> <p>District Plan Policy M14 and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p> <p>A double garage would be incorporated into the dwelling and submitted drawing 21-J3888-01 A shows a sizeable driveway. The development would result in sufficient on-site car parking.</p> <p>Policy D1 (f) the NCPC Neighbourhood Plan states vehicular areas should be surfaced with permeable paving and this can be secured by condition in the event of an approval.</p> <p>The Hertfordshire Highways Authority have commented that a Construction Management Statement (CMS) should be submitted prior to the commencement of development as Carbone Hill is not a suitable highway for contractor parking. This can be secured by condition in the event of an approval.</p> <p>During the course of the application, the width of the access was reduced from 12.m to 5.4m following Hertfordshire Highway Authority's advise that a maximum width of 5.4m would be approved by the Highways Authority. The Highways Authority commented that the proposed setback of the gates at 5.5m would be acceptable. Following a reconsultation, the Highways Authority commented further that the car parking layout and installation of an Electric Vehicle (EV) car charging point should be secured by condition. It is</p>

	<p>considered that the hardstanding proposed would be sufficiently sized to ensure adequate parking and a car parking layout in this case would not be necessary. Part S of the Building Regulations makes it mandatory for all new build properties to provide an EV car charging point and so securing an EV charging point by condition is not necessary in this case.</p> <p>The provision of adequate cycle parking would meet the needs of future occupiers and would encourage the use of sustainable modes of transport. Policy T2 of the NCPC Neighbourhood Plan states secure cycle parking should be provided with new residential developments. Appendix 2 Design Code of the NCPC Neighbourhood Plan advises a cycle store should be simple to use, have sufficient space of 1 cycle per bedroom and incorporate sustainable design. No details of cycle storage have been submitted with the application; however the proposed double garage would provide a safe location to store bicycles, and access to the side and rear of the site would also allow for bicycle storage elsewhere within the site.</p>
<p><b>Landscaping Issues</b></p>	<p>District Plan Policies R17 and D8 require the retention of landscape features such as trees and hedges and outline that this type of development should include landscaping as an integral part of the overall design. Paragraph 130 of the NPPF requires new developments to ensure appropriate and effective landscaping.</p> <p>The application site is within Landscape Character Areas Northaw Great Wood and Northaw Common Parkland. The objectives in these areas are safeguard, manage, conserve and strengthen. The Tree Survey and Arboricultural Impact Assessment submitted with this application states no trees would be removed or reduced as a result of the development, and outlines tree protection measures. The WHBC Landscapes team advises the Arboricultural information submitted with this application is in accordance with BS:5837:2012 and development should adhere to the tree protection measures outlined in the submitted information. This can be secured by condition.</p> <p>Submitted drawing 21-J3888-01 A shows indicative planting, however a detailed landscaping scheme can be secured by condition in the event of an approval, including the replacement of any trees and hedging removed.</p> <p>Natural England have commented that following the initial screening of the development, the proposal could impact the Northaw Great Wood Site of Special Scientific Interest (SSSI). The advice note from Natural England states that there should be buffer zone of at least 15m between development and the SSSI. The application site would be located approximately 50m from the Northaw Great Wood SSSI and such distancing would ensure the impact of the development is adequately buffered.</p>
<p><b>Refuse and recycling</b></p>	<p>The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Appendix 2 Design Code of the NCPC Neighbourhood Plan advises landscaping should be used to minimise the visual impact of bins. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF.</p> <p>Details of the bin storage have not been submitted with this application however given the accessibility to the side and rear of the site where bins can</p>

	<p>be concealed from public vantage points, it is not considered necessary to condition bin storage details in this case.</p>
<p><b>Planning Balance</b></p>	<p>Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.</p> <p>The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.</p> <p>Land in built-up areas such as residential gardens is not classed as previously developed land, having a lower priority for development, but that does not mean they cannot be built on in any circumstances. The need to make efficient use of urban land remains a policy objective. Consequently, whilst the proposals would conflict with District Plan Policy R1, the suitability of the site for development and availability of previously developed land elsewhere is to be weighed in the planning balance in accordance with criterion (i) of Policy H2 and the NPPF.</p> <p>There is no direct footpath between the application site and the shops and services within Cuffley, limiting the accessibility to facilities and services by pedestrians. It is accepted that cycling could be an option for some, however the location of the site would result in a degree of reliance on private vehicles, contrary to District Plan Policies SD1, GBSP2 and H2, and the NPPF. Limited weight is attached to this harm.</p> <p>Now turning to the benefits.</p> <p>The Council cannot demonstrate a five-year supply of deliverable housing sites and the proposal would make a limited but still important contribution to the supply of housing. This attracts significant positive weight. There would be further limited social, economic and environmental benefits which carry limited positive weight.</p> <p>In the absence of a five-year supply of deliverable housing sites, the NPPF indicates that the policies which are most important for determining the application are deemed to be out of date. Consequently, the presumption in favour of sustainable development test set out in paragraph 11(d) of the NPPF is engaged. In this case, the presumption provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.</p>

	<p>The proposed development would deliver an additional dwelling in a Borough where a shortfall in housing has been identified. Short term economic benefits would also arise from the construction of the development. Social benefits arise from the provision of a comfortable new home.</p> <p>A realistic approach is necessary where sites are in rural areas and where residents are generally more likely to be reliant upon private transport to travel to work, shops or services. The provision of an additional dwelling in an area where there is a lack of identified housing supply and the further limited economic and social benefits associated with the development, are considered to outweigh the harms that have been identified.</p>
<p><b>Conclusion</b></p>	
<p>Subject to the suggested conditions, the proposed development would be in accordance with the relevant policies of the Welwyn Hatfield District Plan; the draft Local Plan; Northaw and Cuffley Neighbourhood Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</p>	

**Conditions:**

1. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The development shall only be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k) Phasing Plan.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Policies 5, 12, 17 & 22 of Hertfordshire's Local Transport Plan (adopted 2018); Policy R19 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the draft Local Plan; and the National Planning Policy Framework.

2. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external

surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

3. No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) hard surfacing, other hard landscape features and materials
- (b) means of enclosure and boundary treatments, including any brick piers, gates and/or railings
- (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in the interest of protecting the Green Belt, maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield District Plan 2005; the draft Local Plan; the Northaw and Cuffley Neighbourhood Plan; and the National Planning Policy Framework

4. The development must be undertaken in accordance with the tree protection measures outlined in the submitted document titled BS5837:2012 TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT: The Warren, 8 Carbone Hill, Northaw, Herts, EN6 4PL.

REASON: To ensure that any works undertaken comply with arboricultural best practice required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2, D8 and R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological,

environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield District Plan 2005; the draft Local Plan; and the National Planning Policy Framework.

#### DRAWING NUMBERS

6. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
21-J3888-06		Urban Grain Plan	27 March 2023
21-J3888-03		Proposed Elevations	27 March 2023
21-J3888-02		Proposed Floor Plans	27 March 2023
21-J3888-LP01		Location Plan	27 March 2023
21-J3888-01	A	Site Layout	5 June 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

#### **Informatives:**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
3. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
4. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

5. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047

7. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or

any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

9.
  1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :  
  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays
  2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
  3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
  4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
  5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
  6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
  7. Any pile driving shall be carried out by a recognised noise reducing system.
  8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
  9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
  10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any subcontractors.
  11. Any emergency deviation from these conditions shall be notified to the Council without delay.
10. Dust control
  1. All efforts shall be made to reduce dust generation to a minimum.
  2. Stock piles of materials for use on the site or disposal that are likely to generate



dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles

**Determined By:**

Mr Mark Peacock  
23 June 2023