

Planning, Design and Access Statement

Demolition of an existing outbuilding, and erection of 3 dwellings at
Northbank, Little Hadham, SG11 2DE



Prepared by Pelham Structures Ltd
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Section 1: Introduction

- 1.1 This statement has been written to meet the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013.
- 1.2 The planning application proposes the demolition of existing outbuildings and the construction of three new dwellings, 1 no. four bedroom and 2 no. three bedroom, at Northbank Little Hadam
- 1.3 Plans and reports have been submitted for formal approval as part of this application consisting of the following:-
 - 621 x 01 Location Plan
 - 621 x 02 Site Plan
 - 621 x 03 Landscaping Plan
 - 621 x 0100 Plot 1
 - 621 x 0200 Plot 2 and 3
 - 621 x 0300 Garage Plans
 - Bat Survey by John Dobson Energy Strategy Statement by Pelham Structures
 - Sustainability Checklist

Section 2: The Proposal

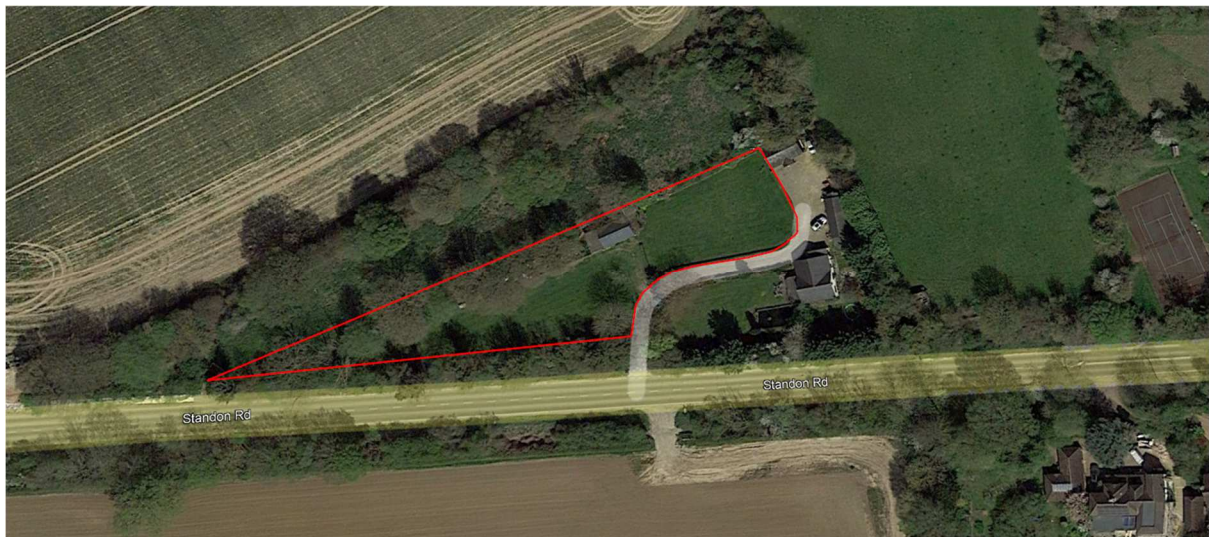
2.1 The planning application proposes the following development components:

- A detached four-bedroom dwelling with separate garage, which is proposed in a Tudorbethan style, with brick plinth, render and handmade clay tile roof.
- 2 no. detached three-bedroom dwellings, which are proposed in a Tudorbethan style, with brick plinth, render and handmade clay tile roof.
- Widening of existing entrance to serve the proposed houses and the existing property.
- Landscaping to enhance and reinforce the existing boundary vegetation and biodiversity of the site.

2.2 The above elements are shown on the drawings and explained by the reports that comprise this planning application.

Section 3: Site and Surrounding

- 3.1 The site is currently the residential curtilage of Northbank. It includes a large garage/outbuilding and formal lawn surrounded by thick existing vegetation that screens it from outside views. The Satellite images below show that the garage and garden area, which has existed as part of residential curtilage of North Bank for at least 20 years.



(Satellite images of the site Top 2020 bottom 2000)

- 3.2 The site access sits within the 30mph zone of the village. The site is clearly separated from the wider countryside beyond by established vegetation, creating a distinction between the sites residential use and the agricultural land beyond



(View of site from the East)

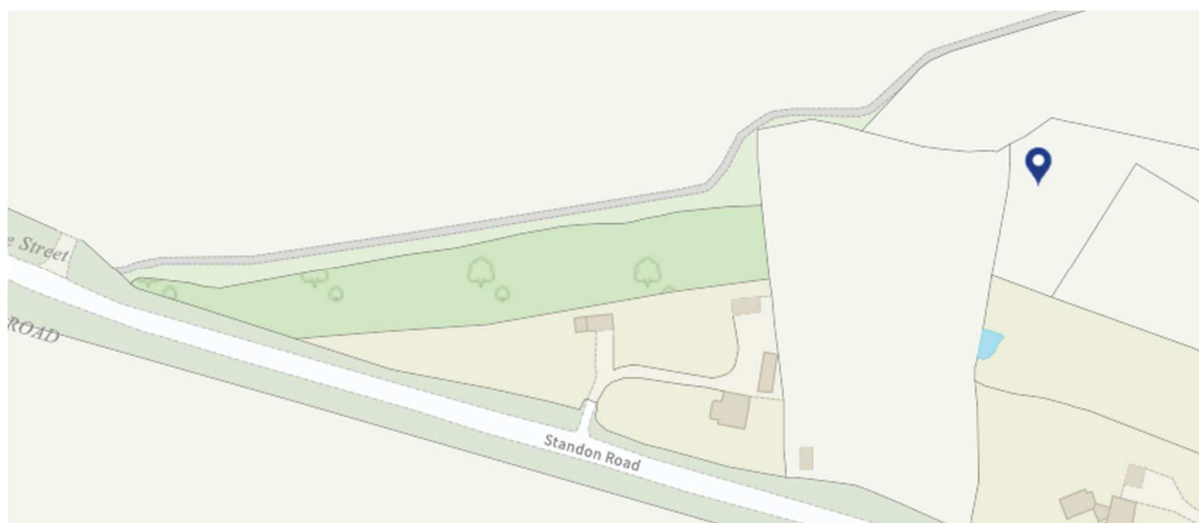


(Garage to be demolished)



(View across site from the existing house)

- 3.3 Little Hadham is a sustainable location and is identified as a Group 2 Village in East Herts Adopted Local Plan 2018. It has several services including a Primary School, Village Hall, Recreation Ground, Village Pub and is only a six-minute drive, or bus ride from Bishop's Stortford where a broad range of services are available.
- 3.4 The site is not located in or near a conservation area, and the nearest listed building is the Grade II Windmill, Mill House which is located to the northeast of the site and is separated by both distance and there is no inter visibility.



(Historic England Listed Buildings Map)

3.5 As indicated on the flood risk map below, the proposed dwellings are located outside of the flood zone 2 and 3



(Flood Zone Map)

Section 4: Planning History

4.1 There is no relevant planning history on the site itself.

Section 5: Planning Policy & Case Law

- 5.1 This section sets out the statutory planning policies, material consideration and guidance which have informed this planning application.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The PPG clarifies (Paragraph: 010 Reference ID: 21b-010-20140306) that the NPPF represents up-to-date Government planning policy and must be taken into account as a material consideration in the determination of a planning application or appeal.
- 5.4 A revised NPPF was published on 24 July 2018 (updated July 2021) and replaced the original NPPF, which was published in March 2012. Alongside the revised NPPF, the Government published a Housing Delivery Test Measurement Rule Book and updated Planning Practice Guidance (“PPG”) sections on Housing and Economic Development Needs Assessment and on Viability, and further updates to the Planning Practice Guidance are intended.

National Planning Policy

- 5.5 The principle aim of the planning system is to contribute towards the achievement of sustainable development, which in the context of the NPPF is development that contributes positively to the economy, society and the environment. Paragraph 8 sets out the three mutually dependent dimensions of sustainable development. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as individuals’ quality of life.
- 5.6 Paragraph 124 states the great importance the government attaches to the creation of high quality, beautiful and sustainable buildings and empathises that good design *“is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.7 Section 15 of the NPPF concerns conserving and enhancing the natural environment and Paragraph 180 provides guidance to Local Planning Authorities when determining applications with the aim of conserving and enhancing biodiversity.
- 5.8 While paragraph 180 is clearly directed at protecting and enhancing biodiversity, it also acknowledges that it is only *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less*

harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning should be refused.”

- 5.9 Sections 3 and 4 of the NPPF concern plan-making and decision-taking.
- 5.10 In October 2019 the Government published the National Design Guide, which sets out characteristics of well-designed places and demonstrates what good design means in practice.
- 5.11 As with its predecessor, the NPPF sets out the Government’s planning policies for England and how these should be applied and is (from the day of its publication) a material consideration in planning decisions. As a statement of Government policy, it is required to be interpreted objectively in accordance with the language used, read in its proper context, and not as if it were a statute or contract: see *R (Timmins) v Gedling BC* [2015] P.T.S.R. 837 at [24] per Richards LJ.

The Development Plan

- 5.12 The saved policies of the East Herts District Plan October 2018 (‘the DP’) that could be applicable to this application are as follows:
- 5.13 GBR2 Rural Area Beyond the Green Belt part (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area
- 5.14 DES3 Landscaping, Development proposals must demonstrate how they will retain, protect and enhance existing landscape feature, which are of amenity and/ or biodiversity value, in order to ensure that there is no net loss of such features.
- 5.15 DES4 Design of Development, sets out the key design qualities sought for development in the district. Requiring them to be of a high standard of design and layout to reflect and promote local distinctiveness and that proposal are expected to:

*“(a) Make the best possible use of the available land by respecting or improving upon the **character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features**, having due regard to the design opportunities and constraints of a site;*

(b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation, including the changing needs of occupants and users, and changes in wider employment and social trends;

(c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing;

*(d) Incorporate high quality innovative design, **new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.** Proposals for residential and commercial development should seek to make appropriate provision for high speed broadband connectivity, ensuring that Fibre to the Premises (FTTP) is provided;*

(e) Make provision for the storage of bins and ancillary household equipment. Garages and driveways should be capable of accommodating family sized vehicles. Dwelling design and layout should make provision for electric vehicle charging points in safe and accessible locations;

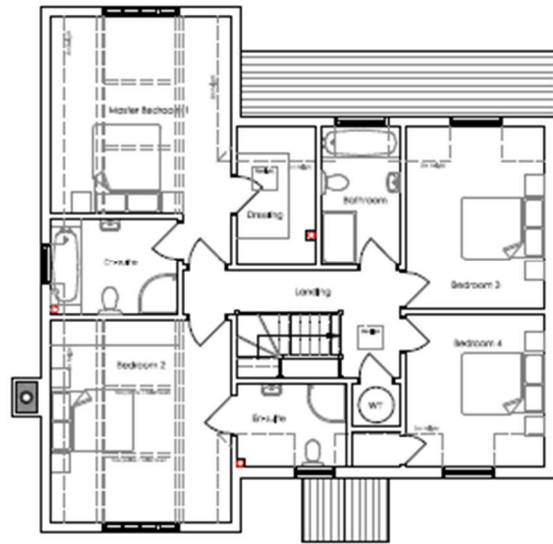
(f) All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved. All dwellings shall be identified by their square metrage” (emphasis added)

5.16 Policy CC1 Climate Change Adaptation and CC2 Climate Change Mitigation require development to minimise the impacts of climate change through good design and integrated green infrastructure and the use of renewable technologies to minimise the carbon dioxide emission of the property.

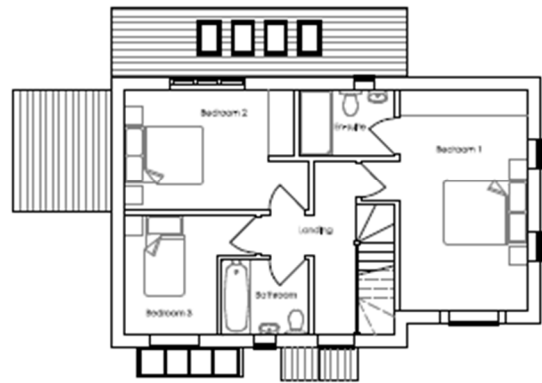
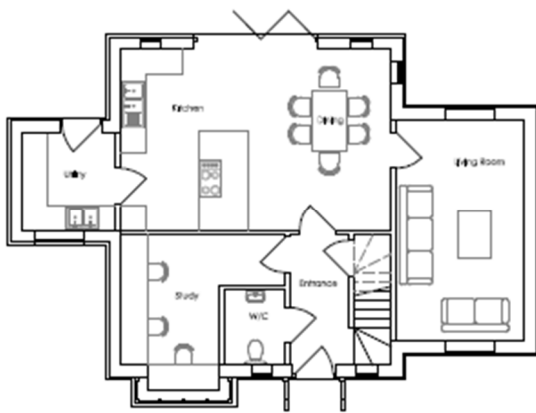
Section 6: Design

Use & Amount

6.1 The application proposes three dwellings in total, one four-bedroom and two three-bedroom houses.



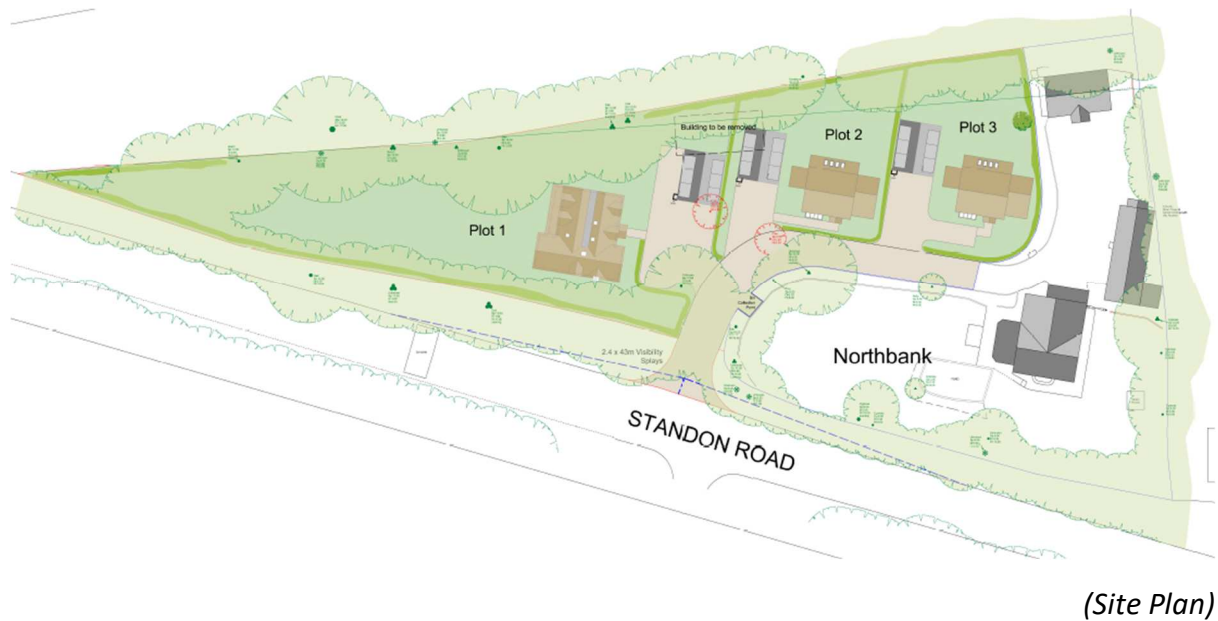
(Plot 1)



(Plots 2 and 3)

Layout

- 6.2 As noted above the site is part of the residential curtilage of Northbank. The site sits to the west of the existing bungalow and garaging, it is currently used as formal garden and includes an outbuilding. The site is well contained by existing established vegetation on all sides.
- 6.3 The proposed layout utilises the existing driveway and provides three detached houses without impacting the existing boundary vegetation. Two mature trees need to be removed but significant additional planting is proposed to more than compensate for their loss.



Scale & Appearance

- 6.4 The surrounding dwellings in the hamlet are largely traditional vernacular design, with pitched roofs, gables, and dormer details. The material pallet is generally render, with clay peg tiled roofs. The proposed dwellings are designed in a traditional Tudorbethan style, which is characteristic of the styles described above and the examples of planning permission granted in the local area recently.
- 6.5 Plot 1 is a 1.5 storey detached house with a gable, dormers, a central oak porch, a rendered appearance, and handmade clay tile roof.
- 6.6 Plots 2 and 3 are the mirror image of each other with a combination of render and boarding as external materials, and a handmade clay tile roof.



(Elevations of Plot 1 & example of similar house type previously constructed by Pelham Structures Ltd)



(Elevations of Plots 2/3 & example of similar house type previously constructed by Pelham Structures Ltd)

Access

- 6.7 It is proposed to improve the existing access off Standon Road. The access is located within the 30mph zone and has unobstructed sight lines in both directions.



(Existing Access)

Section 6: The National Design Guide (NDG)

- 6.1 The National Design Guide (NDG) advises that the long-standing, fundamental principles for good design are that it is “fit for purpose; durable; and brings delight”. The design merits of the scheme are considered in detail below against the ten design characteristics set out in the NDG:

Context

- 6.2 The context of the site is detailed above and is the residential curtilage of Northbank within the village of Little Hadham. The site has residential development to the east and southeast.

Identity

- 6.3 The proposed dwellings seek to reflect the identity of houses and other buildings found locally, consisting of vernacular style cottages and detached dwellings, utilising traditional building materials, e.g., brick, boarding, render and Clay tile roofs.

Movement

- 6.4 The three dwellings will create a modest amount of additional trip generations onto the B1368, which as a two-lane road and has ample capacity for the additional traffic.

Nature

- 6.5 There are several biodiversity measures proposed in the application, including the planting of native species trees, hedging, a new orchard, and the installation of bat boxes and bird boxes.

Uses

- 6.6 The proposed use is for 3 additional dwellings.

Homes and buildings & Resources

- 6.7 The dwellings are proposed to be constructed to the highest standards in regard insulation and renewable technology. As shown on the site plan and set out in the accompanying Energy Strategy statement, the properties are all proposed to have solar panels and will be highly energy efficient.

Lifespan

- 6.8 The proposed house will be built to the highest standards, and it will have a significant life span.

Summary

- 6.9 Careful consideration has been given to factors such as layout, form, scale, appearance, landscape, materials, and detailing, all informed by an assessment of the surrounding context, local character, and identity.

Section 7: Planning Appraisal

Five Year Housing Land Supply

- 7.1 The recent Bennington appeal decision¹ concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites.

“All of the above leads me to question the overall deliverability of the Council’s anticipated supply of housing. In line with the appellants’ assessment²¹, the four sites above account for circa 1800 dwellings. As such, in omitting these sites from the anticipated 5-year HLS, the Council’s deliverable supply of housing would fall short of the 5-year HLS requirement by approximately 760 dwellings. This would represent a moderate shortfall.”

- 7.2 The consequence of this is that NPPF Paragraph 11d applies, and sustainable development should be approved 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 proposed⁷; 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.

- 7.3 The site doesn’t fall within a protected area as set out at footnote 7 and therefore part ii) is relevant. In this regard the following analysis will demonstrate that no such adverse impacts would arise that would outweigh the benefit of providing four new dwellings in an established village.

Previously Developed Land

- 7.4 As set out above the site is the residential curtilage of Northbank forming part of the formal garden. The definition of previously developed land set out in the glossary to the NPPF excludes “land in built-up areas such as residential gardens”. In Dartford Borough Council v Secretary of State for Communities and Local Government, 21 January 2016, Charles George QC sitting as a Deputy High Court Judge handed down judgment that the wording of the exemption to previously developed land within the NPPF was significant. The Deputy Judge found that only residential gardens within the “built-up area” were exempt from the definition of previously developed land whereas, residential gardens outside “built up areas” were “brownfield”. The Court held there to be a rational explanation for the distinction, namely that undeveloped land in the urban area was at more of a premium and thus required greater protection.

¹ APP/J1915/W/22/3303408

- 7.5 Further weight in support of the proposal arises from the provisions of Section 11 of the NPPF: that as “much use as possible” should be made of previously developed land for accommodating objectively assessed needs; that planning policies and decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*”, and “*promote and support the development of under-utilised land*”.

Policy GBR2

- 7.6 As experienced on the ground the site lies within the village of Little Hadham, which is acknowledged as a sustainable location by its categorisation as a Group 2 Village. However, despite the sites location within the 30mph zone and its residential use, it is technically within the Rural Area beyond the Green Belt and therefore Policy GBR2 of the District Plan applies. This sets out the types of development that will be permitted in the rural area, provided that they are compatible with the character and appearance of the rural area. This includes:

(e) limited infilling or partial or complete redevelopment of **previously developed** sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/ or surrounding area.

- 7.7 The Spring Paddocks Appeal², which relates to area of garden land in East End an outlying hamlet of Furneux Pelham is a material consideration. This appeal confirms the support for the development of previously developed land (PDL) provided by GBR2 and reaffirms the findings of Dartford case above that garden land in rural areas is PDL, see para 12:

“The significance of the above is that the appeal site is land within the curtilage of a permanent building and is therefore PDL. The site’s current use and status as residential garden land does not prohibit this finding because the definition of PDL in the Framework states that it is only residential gardens in built up areas that are excluded from the definition of PDL.”

- 7.8 The Spring Paddocks Appeal related to a more remote site than the application site, which sits within the built environment of Little Hadham as experienced on the ground.

- 7.9 The appeal decision relating to Land adj. Bradbury, Hare Street³ is also a material consideration in this context, the site is comparable in that it is also within a Group 2 village but outside of its settlement boundary. In allowing this appeal the inspector concluded that “*Given the close distance of the appeal site to the village boundary, I deem the access to services and facilities from the appeal site to be broadly comparable to those dwellings within the village boundary.*” This context is comparable to the application site which sits within the 30mph zone of the village and is within recognised walking distances of its facilities.

² 3258799

³ 3226396

Sustainability

- 7.10 The National Planning Policy Framework (NPPF) does not provide any specific guidance on acceptable walking distances. Manual for Streets (MfS) states that: “Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes’ (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPG13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km.”
- 7.11 WYG recently published a research document ‘How far do people walk’ (July 2015), which examined National Travel Survey (NTS) data to establish actual walking distances to public transport and local facilities. The WYG analysis of NTS data for walking as a main mode showed that the average distance of walking as a main mode (outside of London) is 1,150m and the 85th percentile distance is 1,950m. Therefore, the 85th percentile walking distance is similar to the 2km distance widely applied for walking trips as a main mode albeit 15% of people walk further than this.
- 7.12 Central Government research states that cycling has the potential to substitute for short car trips, particularly those under 5km, and to form part of a longer journey by public transport.
- 7.13 Cycling is an attractive form of travel, and it is reasonable to expect that for able-bodied people a cycle distance of 5km is readily achievable and attractive. The below table shows travelling distance to the key services in the village and to Bishop’s Stortford.

Distance	Miles	KM
Nearest Bus Stop	0.3	0.48
Primary School	0.4	0.64
Playground	0.6	0.97
Village Hall	0.6	0.97
Pub	0.8	1.29
Bishop's Stortford Tesco's	3.3	5.31
Bishop's Stortford Town Centre	4.3	6.92

Transport and access

- 7.14 the NPPF at Paragraph 111 states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” In this regard the traffic generation from three houses is minimal and cannot be considered ‘severe’ and planning permission should therefore not be withheld on these grounds.
- 7.15 The existing access is to be widened to provide safe access to the site and has more than adequate visibility splays in both directions for its location within the 30mph zone.

Drainage/ Flooding

- 7.16 Flood Risk: as identified above the site is with flood zone 1, an area with a low probability of flooding. The scale of development doesn't require a SuDs scheme, but the size of the site and modest level of development means that there will be ample opportunity to control the water within the site and potentially reduce the runoff rate from the site.

Green Infrastructure

- 7.17 Paragraph 174 of the NPPF states that "The planning system should contribute to and enhance the natural and local environment by:

"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate"

- 7.18 Paragraph 175 of the NPPF states, development plan documents "*should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.*"

- 7.19 Green infrastructure elements of the proposals, including the presence of protected species and/or habitats suitable for protected species have been assessed. Trees and landscape features on and adjacent to the site have also been assessed and the conclusions and recommendations of these assessments have influenced the layout and design of the proposals.

- 7.20 The application site comprised low-value land in terms of its habitat value given current use as garden land.

Design considerations

7.21 Section 12 of the NPPF sets out the government’s desire to achieve well-designed places. Paragraph 126 states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

7.22 As set out in the design section of this document the design of the dwellings has taken its influence from the character of the local area and the proposed homes will be high quality in both design and materials used, creating a development that will blend seamlessly into its environment.

Summary

7.23 The council are unable to demonstrate a Five-Year Housing Supply and planning permission should therefore be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*. Although outside of the village boundary the site is within the built environment of Little Hadham as experienced on the ground, being within the 30mph zone, and there is a clear distinction between it and the open countryside to the north and west of the village created by the existing vegetation that encompasses the residential curtilage of Northbank.

7.24 The site being the residential curtilage of Northbank is previously developed land and gains support from National and Local policy.

7.25 Although the site is located outside of village boundaries, it gains support from Policy GBR2 of the District Plan which sets out at (e) that *“or partial or complete redevelopment of **previously developed** sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/ or surrounding area.”* will be permitted in the rural area, provided that they are compatible with the character and appearance of the rural area.

7.26 A high-quality vernacular design is proposed for the dwelling, which reflect the character of the existing built form of the village and are similar in approach to the new build housing that has been permitted in the surrounding area.

7.27 The appeal decision relating Land adj. Bradbury, Hare Street⁴, which is located in a similar location on the edge of the settlement boundary of a group 2 village concluded that *“Given the close distance of the appeal site to the village boundary, I deem the access to services and facilities from the appeal site to be broadly comparable to those dwellings within the village*

⁴ 3226396

boundary.” This confirms that an arbitrary settlement boundary cannot make something on one side sustainable and the other not.

- 7.28 The planting of new native hedgerows, and trees will create a significant biodiversity gain and will result in a very attractive surrounding for the new dwellings and the existing.
- 7.29 The site is in the lowest flood risk area and a safe access can be created onto the highway within the existing 30mph zone.
- 7.30 Therefore, for the reasons set out above the proposed dwellings represent a well design scheme in a sustainable location, which will provide three additional family homes in a district with a shortfall in housing supply. It is therefore supported by both National and Local planning policy.