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## **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order  
2015

### **DECISION NOTICE**

**Correspondence Address:**  
Barker Parry Town Planning Ltd  
33 Bancroft  
Hitchin  
SG5 1LA  
United Kingdom

**Applicant:**  
Mr R Taaffe

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#### **PARTICULARS OF DEVELOPMENT**

**Application:** 23/00666/FP

**Proposal:** Erection of 12 dwellings with associated hard and soft landscaping, creation of vehicular access, public open space and children's play area.

**Location:** Dixies Meadow , High Street, Ashwell, Hertfordshire, SG7 5NS

**Refused Plan Nos:** 1317PL-RDT-ZZ-XX-DR-A-0001\_PL2 1317PL-RDT-ZZ-ZZ-DR-A-1200\_PL2 1317PL-RDT-ZZ-ZZ-DR-A-1201\_PL2 1317PL-RDT-F1-ZZ-DR-A-2200\_PL1 1317PL-RDT-E1-ZZ-DR-A-2000\_PL1 1317PL-RDT-C2-ZZ-DR-A-2000\_PL1 1317PL-RDT-C1-ZZ-DR-A-2000\_PL1 1317PL-RDT-B2-ZZ-DR-A-2000\_PL1 1317PL-RDT-B1-ZZ-DR-A-2000\_PL1 1317PL-RDT-A2-ZZ-DR-A-2000\_PL2 1317PL-RDT-A1-ZZ-DR-A-2000\_PL2 1317PL-RDT-01-ZZ-DR-A-2500\_PL1 1317PL-RDT-ZZ-XX-DR-A-1101\_PL2 1317PL-RDT-ZZ-XX-DR-A-1100\_PL2

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#### **PARTICULARS OF DECISION**

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 20 March 2023.

1. The proposed development would detract from the open and rural character of the site and this, together with its inappropriate scale and urbanising effect, would have an adverse effect upon the character and appearance of the surrounding area. The development in this regard would conflict with Policies SP1, SP2, CGB1 of the Local Plan and Section 12 of the National Planning Policy Framework and ASH1 of Ashwell Neighbourhood Plan.
2. The NPPF advises that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 197c) and that great weight should be given to the asset's conservation (para 199). The application site is a greenfield site that historically relates to Dixies Farm and is a reminder of the medieval pattern of AN agricultural landholding and its contribution lies in its very contrast with the built-up sites on either side and in its bringing a reminder of the agricultural basis of village life into the heart of this part of the village. The open nature of the application site also provides a view into the centre of the village from the land to the north in the vicinity of Ashwell Grange. By reason of the number of units proposed, the road layout resulting in an incursion in depth into open countryside and together with the two storey height of the development, the scheme will result in the irretrievable loss of this space, thus, failing to respect the open and positive contribution the site makes to the character and appearance of Ashwell Conservation Area. Furthermore, depending upon where viewed from, the development will harm the wider setting off the Church of St Mary the Virgin (grade I). Although Colbron Close and Bacons Yard are relatively recent developments north and off the High Street, the case for developing the application site is not convincingly justified. The scheme fails to satisfy the provisions of Sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also fail to satisfy the aims of Section 16 of the NPPF, Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 and Policies ASH1, ASH3 and ASH9 of the Ashwell Neighbourhood Plan. The degree of harm would be towards the upper end of the less than substantial harm continuum and this would not be offset by public benefits.
3. To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, the submitted planning application has not been accompanied by an acceptable Flood Risk Assessment (FRA) / Drainage Strategy / supporting information relating to Local flood risk to the development and demonstrating if the impacts from the development adversely effects flood risk elsewhere. Therefore the development does not comply with NPPF, PPG or local policies - NE7: Reducing Flood Risk (North Hertfordshire Local Plan 2011-2031) and NE8: Sustainable Drainage System (North Hertfordshire Local Plan 2011-2031)

4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the affordable housing provision and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document . The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Local Plan Policy HS2 of the Council's Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Shaun Greaves  
Development and Conservation Manager

Development Management  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth  
Herts  
SG6 3JF

**Date:** 15 September 2023

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

**NOTES**

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must

do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.