



Appeal Decision

Site visit made on 9 July 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/J1915/W/25/3362960

72 Nutcroft, Datchworth, Knebworth, Herts SG3 6TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Watt against the decision of East Herts District Council.
 - The application Ref. is 3/24/0978/OUT.
 - The development proposed is the erection of a detached residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached residential dwelling at 72 Nutcroft, Datchworth, Knebworth, Herts SG3 6TG in accordance with the terms of application ref: 3/24/0978/OUT and subject to the conditions listed in the schedule at the end of this decision.

Preliminary Matter

2. The appeal seeks outline permission with means of access and layout only to be determined at this stage. The submitted plans include an indicative elevation and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.
 - The effect on the character and appearance of the site and surroundings.
 - Whether suitable parking provision would be made.
 - Whether there is sufficient information in respect of biodiversity net gain

Reasons

Whether inappropriate development

4. Policy GBR1 of the East Herts District Plan (2018) (EHDP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and paragraph 154 states that development in the Green Belt is inappropriate unless one of the listed exceptions apply – at 154(e) this includes limited infilling in villages.

5. In addition, Framework paragraph 155 states that the development of homes (amongst other things) in the Green Belt should also not be regarded as inappropriate where all the following apply: (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, (b) there is a demonstrable unmet need for the type of development proposed and (c) the development would be in a sustainable location, with particular reference to Framework paragraphs 110 and 115. Paragraph (d) is not applicable in this case as the proposal does not relate to major development.
6. The definition of grey belt is contained in the Framework glossary as *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143.”* Land where the application of policies relating to the areas or assets in footnote 7 would provide a strong reason for refusing or restricting the development is excluded from the definition. Having regard to the areas and assets listed, none are relevant to the appeal site.
7. The appeal site does not comprise previously developed land, but it is ‘any other land’. In considering whether it strongly contributes to the Green Belt purposes identified above, the following is noted: in respect of (a) to check the unrestricted sprawl of large built-up areas, the land being located within a village does not contribute to this purpose, nor for the same reason does it contribute to purpose (b), to prevent neighbouring towns from merging with one another. The appeal site is not within the setting of, nor does it contribute to, the special character of a historic town, therefore it does not contribute to purpose (d) either. I find that the appeal site does not strongly contribute to any of the above Green Belt purposes. It therefore comprises grey belt land.
8. In respect of paragraph 155 criteria above, the development would not fundamentally undermine the purposes of the Green Belt taken together across the area of the plan as given the location of the site, the wider Green Belt would remain essentially unaffected, therefore part (a) of paragraph 155 is satisfied. In respect of (b) the Council has confirmed that they are currently unable to demonstrate a five year supply of housing, therefore there is a demonstrable unmet need for homes. In respect of (c) the development would be in a sustainable location being within the built-up part of a village which is served by a number of facilities and amenities including pub, church, cafés, shop, sports club, village hall and a bus service.
9. Therefore, under Framework paragraph 155 the proposal would not amount to inappropriate development in the Green Belt. There is thus no need to consider whether there would be compliance with Framework paragraph 154(e).
10. Having regard to my findings above, it is not necessary to consider the impact on Green Belt openness or purposes any further. Nor is it necessary for very special circumstances to be demonstrated. The proposal would thus comply with EHDP Policy GBR1.

Character and appearance

11. The dwelling would be sited within the side garden area of the existing dwelling which is a semi-detached property fronting onto a footpath which runs from the main carriageway of Nutcroft, just to the north of the site. The appeal site is set

back from the road frontage behind a small triangular shaped area of open space, the roadside boundary of which is marked by a hedgerow, with a further, large area of open space to the west of the appeal site, within which is located a play area. Notwithstanding the set-back position of the appeal site, the semi-detached pair can be seen within the street scene of Nutcroft.

12. EHDP Policy VILL2 relates to development within the Group 2 villages, of which Datchworth is one, and lists a number of criteria, a to g, that should be met. The proposal, comprising a single dwelling within the village built-up area, would be of appropriate scale and within proximity of local amenities, thus criteria (a) and (b) would be satisfied.
13. The immediate area is predominantly characterised by semi-detached pairs of dwellings, many of which have been extended to the side, with some terraced properties. This provides a relatively continuous built frontage to the street, which the semi-detached pair comprising the appeal site and its neighbour continue and appear as an integral part of, albeit they are set further back from the road frontage in a slightly more spacious setting.
14. The proposed dwelling would be sited to the side of and in line with the adjoining semi-detached pair and being a detached building, would be somewhat at odds with this established built form. However, given that it would be sited close to and reflect the building line of the adjoining semi-detached pair to which it would relate, it would not detract significantly from this established pattern nor appear incongruous within it. Notwithstanding that it would not be attached to the existing dwelling, the proposed siting would nevertheless ensure that it would appear as a continuation of the built form similar to those nearby.
15. Whilst the position of the dwelling is for determination at this stage, its scale and appearance, including the overall height, are not. However, I see no reason why it should not be possible to secure a suitable design at reserved matters stage which responds to the character of the site and its surroundings, reflects the slight change in levels across the site, with the side garden area being slightly lower, and which complements the existing semi-detached pair. The impact on the living conditions of neighbouring occupiers would also be addressed at the reserved matters stage. Overall, criteria (c) and (g), which seek well designed development in keeping with village character, would be satisfied.
16. The proposed dwelling would be visible from the adjoining area of open space, albeit screened to an extent by the existing tall conifer screen along the west boundary of the appeal site which is indicated to be retained. Whilst the proposed dwelling would appear to fill the existing gap to the side of the dwelling with its flank elevation sited close to the boundary with the open space, this would not of itself detract from the established character of this part of the village where, in some instances, built development is sited close to the edges of the surrounding areas of open space. Whilst the open countryside backdrop to the village can be seen in some views, the proposal would have no effect on its openness and there are no identified important views over the appeal site. Thus criteria (d) and (f), which seek to protect importance open spaces and views / vistas, would be satisfied.
17. The proposal would not comprise an extension of ribbon development or an addition to an isolated group of buildings thus criterion (e) is also satisfied. There would thus be compliance with all criteria of EHDP Policy VILL2.

18. Overall, for the reasons given above, I do not find that the proposal would be incongruous nor would it appear cramped within its setting or result in harm to the character and appearance of the site and its surroundings. It would thus comply with EHDP Policy VILL2 and also Policy DES4 which seeks a high standard of design that promotes local distinctiveness and makes best possible use of the available land by respecting the character of the site and surrounding area.

Parking provision

19. The proposed site plan (drawing no: 20637-P003-E) shows all parking for the existing and proposed dwelling (two spaces for each) to be located to the rear of the site. These spaces would be accessed via a long private rear access, the entrance to which is located between Nos. 74 and 76 Nutcroft to the east, over which the appellant has a right of way. This access also serves a row of garages located to the south of the appeal site.
20. The Council express concern that the available width of the private rear access way within the red edge would be insufficient to allow cars exiting from the parking spaces for the proposed dwelling to turn, and thus need to reverse all the way along it to exit onto the public highway. It is suggested that such a lengthy manoeuvre would deter use of these rear parking spaces, thus future occupants may choose to park on the road. I agree that such an arrangement would not be practical. Whilst the appellant has provided an alternative vehicle access plan (drawing no. 20637-P004-1st) this would have the same issue.
21. However, the Highway Authority has not objected on the basis of highway safety and suggested a solution involving an amendment to the parking layout to provide an increased area for turning, albeit that would likely reduce the parking provision for the proposed dwelling to one space. The Council's Vehicle Parking Standards SPD (updated 2015) indicates that three bed dwellings should be served by 2 parking spaces, thus there would be a shortfall of one space.
22. However, at the time of my site visit I saw that there is available and unrestricted on street parking along Nutcroft in the vicinity of the appeal site. Having regard to this and the lack of objection from the Highway Authority, the reduced parking provision would be acceptable in this instance and a suitable condition could secure a revised layout accordingly. The position of the two new parking spaces for the existing dwelling sited at the end of the garden at right angles to the rear access would allow for cars to reverse into and out of these spaces with reasonable ease.
23. Given the above, the proposal would provide an acceptable parking arrangement in accordance with EHDP Policies DES4 and TRA3 which indicate that parking provision will be assessed on a site-specific basis, having regard to the SPD, and should be integrated as a key element of the overall design.

Biodiversity Net Gain

24. The appellant has confirmed that the development is of a type that will be subject to the biodiversity net gain plan condition. The required information relating to the pre-development biodiversity value of the site in the form of the Small Sites Metric (SMM) and a plan identifying the on-site habitat existing at the date of the application has been provided. It is confirmed that the site does not contain any irreplaceable habitat. Whilst the SMM also indicates the post development biodiversity value, no plan has been provided to show how this would be achieved

on site. Notwithstanding, the submitted information satisfies the required minimum requirements.

25. The Council's concern regarding whether the necessary biodiversity enhancements can be provided would be considered through the Biodiversity Gain Plan which legislation requires must be agreed before the development commences. Whilst the area of land available on the site itself post development appears to be limited, given that landscaping is a reserved matter and that the need for off-site gains / use of biodiversity credits can be considered at a later stage of the process, I do not consider it necessary or proportionate to require such information at this stage of the planning process.
26. I find that sufficient information regarding biodiversity net gain has been provided in accordance with the Framework and related National Planning Practice Guidance.

Overall Planning Balance

27. Overall, I find that the proposal satisfies all relevant policies and thus accords with the development plan. It would provide a sustainable form of development for which there is an identified need and thus complies with the Framework. Given that I have found that the proposal accords with the development plan and thus the proposal should be approved in accordance with Framework paragraph 11c, there is no need to consider Framework paragraph 11d further, albeit would be engaged by the lack of a five year housing supply. There are no other material considerations that indicate a decision other than in accordance with the development plan.

Conditions

28. The Council has suggested a number of conditions which I have reviewed in the light of Framework paragraphs 56 and 57 and have amended some accordingly in the interests of clarity and precision. In addition to the standard conditions to require details of the outstanding reserved matters (appearance, landscaping and scale) to be submitted for approval, a condition to refer to the approved plans relating to means of access and layout is necessary in the interests of clarity and proper planning. For the reasons set out above, a condition to secure a revised parking and turning layout is also required.
29. Conditions to secure details of how the design and construction of the dwelling will incorporate sustainable design features to mitigate the impacts of climate change and minimise the use of water are necessary to satisfy EHDP Policies DES4, CC1, CC2, CC3 and WAT4, the Council's Sustainability SPD and the Framework. A condition to require details of means of enclosure and to secure biodiversity enhancements are necessary in accordance with EHDP Policies NE3 and DES4 and the Framework. However, a condition to secure an electric vehicle charging point is not necessary as this is required by / secured through Building Regulations.

Conclusion

30. I therefore conclude that this appeal should be allowed.

P B Jarvis

INSPECTOR

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall relate to the following approved plans:
 - drawing no: 20637-S001-A (existing plans and elevations)
 - drawing no: 20637-P003-E (proposed location plan, block and site plan).

For the avoidance of doubt, the indicative elevation and floor plan details shown on the drawing no: 20637-P003-E are not hereby approved.

5. Prior to any works above ground floor slab level, details to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand, based on the details of the submitted sustainability questionnaire, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
6. The details to be submitted in accordance with conditions 1 and 2 above shall include the following:
 - details of the location and specification of 2no. integrated bird boxes and 2no. integrated bat boxes;
 - details of all boundary walls, fences or other means of enclosure to be erected;

The approved details shall be fully implemented in accordance with the approved details prior to the first occupation of the dwelling hereby permitted and thereafter retained as such.

7. Notwithstanding the parking layout indicated on drawing no: 20637-P003-E the proposed dwelling shall not be occupied until a parking / turning area to provide for a minimum of three car parking spaces and relocated bin and cycle storage facilities to serve both the existing and proposed dwelling has been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
8. The dwelling hereby approved shall be fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. The dwelling shall not be occupied until suitable verification, such as the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010, has been submitted to the local planning authority.