

PLANNING COMMITTEE – Thursday 10 September 2026

26/0885/FUL – Demolition of existing structures and erection of 1no. detached store/community building and 2no. polytunnel structures for use in connection with existing community allotment at ALLOTMENT LAND, NEWPORT MEAD, SOUTH OXHEY, HERTFORDSHIRE

Parish: Watford Rural Parish Council
Expiry of Statutory Period: 14.09.2026

Ward: Carpenders Park
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted, subject to conditions.

Reason for consideration by the Committee: The agent acting on behalf of the application is a Ward Councillor.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TFXU0IQFL9T00>

1. Relevant Planning History

- 1.1 17/2324/FUL - Erection of log cabin outbuilding at allotment gardens - 29.12.2017 – Permitted.

2. Site Description

- 2.1 The application site is located between the rear amenity gardens of Newport Mead, Crowborough Path and Woodhall Lane, South Oxhey.
- 2.2 The site is accessible by foot via a secure gate from Newport Mead. The site comprises an irregular shaped piece of land, some 0.28 hectares in area, which is used as a community allotment.
- 2.3 The site is enclosed by 2.0m high close board fencing to its boundaries and mature trees inside the perimeter of the site screen it from the rear gardens of adjoining dwellings. The site consists of allotment plots, low level shrubs, and areas of grass. There are a small number of existing small structures within the site such as garden sheds, a greenhouse and stores. There is a network of paved pathways that allows movement in and around the site.

3. Proposed Development

- 3.1 The application seeks planning permission for the demolition of existing structures and erection of 1no. detached store/community building and 2no. polytunnel structures for use in connection with existing community allotment.
- 3.2 It is proposed that several buildings across the site are removed, which have a variety of uses including storage sheds, garages and workshops. It is proposed that a building is constructed in the south-eastern corner of the site, to be used for storage, workshop, toilet, and community space. The building would have a width of some 14.0m, a depth of 6.5m, and would have a pitched roof with an eaves height of 2.5m and an overall height of 3.5m. The building would have a timber exterior.
- 3.3 It is proposed that two polytunnel structures are erected in the northern part of the site. These would each have a width of 4.0m, a depth of 12.0m, and a height of 3.0m. These would have a uPVC exterior. These would be used as a covered growing environment.

4. Consultee Responses

4.1 Watford Rural Parish Council: No response received.

4.2 National Grid (Gas): No response received.

5. Neighbour Consultation

5.1 Site/Press Notice:

- Site notice posted 18.08.2026, expired 09.09.2026.
- Press notice not required.

5.2 No. consulted: 60

5.3 Number of responses received: 0

6. Relevant Local and National Policies

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.4 The Environment Act 2021.

6.2 Statutory Development Plan

6.2.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance.

6.2.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP10 and CP12.

6.2.3 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include Policies DM4, DM6, DM8, DM9, DM10 and DM13, and Appendix 4 and 5.

6.3 Other Material Considerations

6.3.1 In August 2026 the NPPF was updated. Policy HC7 (Development affecting existing recreational land and facilities) is relevant.

6.3.2 On 31 July 2026 the Regulation 19 Consultation opened on the Three Rivers District Council Local Plan 2026-2042 (Parts I and II). As such, weight can now be given to policies and sites

contained within that Plan. The report has considered the proposal in relation to the following policies listed; however, as the new Local Plan is consultation stage, they are not detailed in full within the analysis section of the report where the existing policies have been given more weight. Relevant policies include SP2, BGL1, BGL2, ENV2, ENV3, TC2, SHW1 and Appendix 3.

6.3.3 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7. Analysis

7.1 Impact upon the character and appearance of the area

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.1.2 The proposed buildings would respect the context of the site in terms of their scale and appearance. These would have an ancillary appearance as buildings serving the established use. The proposed use of materials would soften the appearance of the buildings within their surroundings and would minimise any harm to the character and appearance of the area.

7.1.3 The proposed buildings would not be widely visible from public vantage points. Some long distance, obstructed views of the building may exist from surrounding roads and amenity gardens however these views are largely screened by the foliage of trees within the site.

7.1.4 Overall, the proposed development would not cause any demonstrable harm to the character and appearance of the site or area.

7.1.5 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and the NPPF (2026).

7.2 Impact on Neighbours

7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies document states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

7.2.2 It is not considered that the proposed development would result in any loss of light, overbearing impact, or overlooking to any adjoining neighbour given the location of the development. Given that the proposed development relates to the existing use, it is not considered that noise or disturbance would be generated above the current use.

7.2.3 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.3 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.3.2 The site does not currently provide any allocated parking provision. The proposed development does not propose a change of use, and the buildings would be ancillary to its current use. It is therefore considered that the proposed development would not cause an increase in demand for parking that would cause harm to the adjacent highway network.

7.4 Trees

7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.4.2 The application site does not contain any protected trees. The proposed development would not involve the removal of any trees. The proposed development is therefore acceptable in this regard.

7.5 Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.5.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.

7.6 Mandatory Biodiversity Net Gain

7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.6.2 The application is accompanied by a Biodiversity Net Gain Assessment and Biodiversity Metric. The current landscaping proposal generates a net loss of area-based habitat units (minus 17.55%) The report confirms that it is unlikely that the net gain can be achieved on site however the unit deficits can be compensated for off-site. Officers also consider that, given that the site will be entirely private land, the provision of on-site BNG would not be acceptable, as it would not be possible to monitor over the 30-year period.

7.6.3 The applicant has confirmed that they will enter a contract with an off-site provider to satisfy the 10% net gain requirement. The standard BGP condition (attached to all relevant

permissions by default as set out in the Environment Act, and so not within the list of conditions below) will therefore apply and must be discharged.

8. Recommendation

That PLANNING PERMISSION GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1000-SK-500, 1000-SK-501, 1000-SK-505

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM12 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2026).

- C3 The buildings, hereby permitted, shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the plans submitted with the application and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C4 The buildings, hereby permitted, shall only be used for purposes ancillary to the use of the site as allotments and for no other purpose.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have

been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.

14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.