

PLANNING COMMITTEE – Thursday 22 October 2026

26/1116/FUL – Construction of detached garage, greenhouse and bin store, alterations to driveway, construction of new access gate to garage area, alterations to hard and soft landscaping, drainage and irrigation tank and external lighting at REDWOOD HOUSE, 12 TEMPLE GARDENS, MOOR PARK, RICKMANSWORTH, HERTFORDSHIRE WD3 1QJ.

Parish: Batchworth Community Council
Expiry of Statutory Period: 16.09.2026
Extension of Time Agreed: 27.10.2026

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Development Type: Householder application.

Recommendation: That planning permission be granted, subject to conditions.

Reason for consideration by the Committee: This application was called in by Batchworth Community Council due to concerns relating to the impact on heritage assets, the landscape and flooding. The full reasons are set out in the consultee comment section in the analysis below.

To view all documents forming part of the application, please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=THY24DQFLR100>

1 Relevant Planning History

There is extensive planning history relating to the application site with the most recent being as follows:

- 1.1 15/0512/FUL - Single storey rear infill extension, creation of basement level, alterations to roof including increases to ridge height and addition of rooflights, internal alterations and alterations to fenestration. Permitted.
- 1.2 15/1186/NMA - Non Material Amendment to planning permission 15/0512/FUL: Alterations to fenestration detail and removal of terrace. Permitted.
- 1.3 15/1208/CLPD - Certificate of Lawfulness Proposed Development: New slate roof to cover existing copper roof and painting of existing exterior brickwork. Permitted.
- 1.4 15/1481/FUL - Single storey rear infill extension; single storey side; creation of basement level, alterations to roof including increase to eaves height and addition of rooflights, internal alterations and alterations to fenestration. Permitted.
- 1.5 17/1734/FUL - Single storey rear infill extension; single storey side and rear extensions; creation of basement level; alterations to roof including increase to eaves height and addition of rooflights; internal alterations and alterations to fenestration. Refused
- 1.6 17/2403/FUL: Single storey rear infill extension and two storey rear extension; creation of basement level; two storey rear extension; alterations to roof including increase to eaves height and addition of rooflights; internal alterations and alterations to fenestration. Application permitted and commenced.
- 1.7 18/0707/CLPD: Certificate of Lawfulness for Proposed Development: Construction of garden room to include swimming pool, gym and store. Application withdrawn.

- 1.8 18/1087/CLPD: Certificate of Lawfulness for Proposed Development: Construction of garden room to include swimming pool, gym and store.
- 1.9 18/1299/NMA: Non Material Amendment to planning permission 17/2403/FUL: Alterations to fenestration including rooflights and an additional lightwell to the rear. Application permitted.
- 1.10 19/0215/CLPD: Certificate of Lawfulness for Proposed Development: Construction of garden room to include swimming pool, gym, lounge and store. Application permitted, and part implemented.
- 1.11 21/2389/RSP: Part-retrospective: Single storey rear infill extension and two storey rear extension; creation of basement level; alterations to roof including increase in eaves height and insertion of rooflights; internal alterations and alterations to fenestration; and repositioning and alterations to the size of garden room. Application permitted.
- 1.12 23/0610/FUL Erection of carport, greenhouse and alterations to driveway; landscaping works, pool terrace, outdoor kitchen and seating, pathways with associated hard and soft landscaping. Application refused for the following reasons:

The proposed carport and attached pergola would, in conjunction with the previous extensions and alterations, result in disproportionate additions over and above the size of the original building. They would therefore constitute inappropriate development which would, by definition, be harmful to the Green Belt. The proposed car port and attached pergola would also harm the openness of the Green Belt as a result of their siting and design. In addition, the detached buildings and structures (such as the garden pergola and green house) would result in the introduction of new buildings within the Green Belt which fail to fall within any of the exceptions as set out within paragraph 149 or 150 of the NPPF and thus would constitute inappropriate development, by definition. These detached buildings and structures by virtue of their siting and scale would also fail to comply with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013). No very special circumstances have been demonstrated which would outweigh the inappropriateness of the above-mentioned developments, the harm to the openness of the Green Belt and any other harm. The above-mentioned developments would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework (2021).

The proposed woodland walk and associated works and the increase in hardstanding to the frontage of the site by virtue of their extent and siting would result in a spread of urbanising development which fails to preserve the openness of the Green Belt. Additionally, the woodland walk would fail to protect the countryside from encroachment. No very special circumstances have been demonstrated which would outweigh the inappropriateness of the above-mentioned developments, harm to openness, conflict with one of the purposes of the Green Belt and any other harm. The above-mentioned developments would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework (2021).

The proposed carport by reason of its design, would result in an incongruous and unsympathetic form of development which would fail to relate to the character of the host dwelling and the wider Moor Park Conservation Area. In addition, the increase in hardstanding to the frontage would result in an increased urbanisation of the site, to the detriment of the rural character and openness of the site. The development would fail to preserve or enhance the character and appearance of the Conservation Area thereby resulting in harm. The harm is considered to be 'less than substantial' as per paragraph 202 of the NPPF and no public benefits have been presented which would outweigh this harm. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October

2011), Policies DM1, DM3 and Appendix 2 of the Development Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and the National Planning Policy Framework (2021).

In the absence of an up to date arboricultural impact assessment it has not been demonstrated that the proposed development including woodland walk would not result in harm to existing protected trees which contribute to the visual amenity of the site and wider Conservation Area. This would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

In the absence of a Preliminary Ecological Appraisal and Protected Species Assessment, it has not been demonstrated that the development would not have an impact on protected species and the ecology of any adjoining habitats. Furthermore, it has not been demonstrated that the development would not result in harm to the Local Wildlife Site. The development is therefore considered contrary to Policy DM6 of the Development Management Policies LDD and the National Planning Policy Framework (2021).

- 1.12.1 25/0900/FUL: Erection of a detached garage, greenhouse and alterations to driveway; new access gate to garage area, site wide hard and soft landscaping works, retaining walls, pool terrace, pergola, pathways, green roof to the basement, refuse store and irrigation. Application refused for the following reasons:

The proposed development by reason of the alterations to landscaping and extensive lighting would be an urbanising form of development resulting in formal, engineered features at odds with the open and naturalistic character of the adjacent Grade II Registered Park and Gardens. The proposed increase in hardstanding to the frontage would also be an urbanising form of development eroding the open and green character of the site, area and the Grade II* Registered Park and Garden and the Moor Park Conservation Area. No public benefits have been demonstrated which would outweigh the less than substantial harm identified. This would be contrary to Policy CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal (2006) and the Batchworth Neighbourhood Plan (Referendum Version, 2025).*

The attached pergola would, in conjunction with the previous extensions and alterations, result in disproportionate additions over and above the size of the original building. This therefore constitutes inappropriate development which would, by definition, be harmful to the Green Belt. The attached pergola would also harm the openness of the Green Belt as a result of its siting. Furthermore, the increased hardstanding including the driveway, access drive and additional hardstanding located in front of the garage, would result in a spread of urbanising development which would detract from the rural character of the locality. No very special circumstances have been demonstrated which would outweigh the inappropriateness of the above-mentioned developments, the harm to the openness of the Green Belt. The above-mentioned developments would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework (2024).

In the absence of an accurate BNG Assessment and Metric Calculation, it has not been demonstrated that a 10% biodiversity net gain would be achieved. The proposed development would therefore fail to be in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. Furthermore, there is insufficient information to demonstrate that the development would not have an impact on Great Crested Newts, contrary to Policy DM6 of the Development Management Policies LDD.

2 Description of Application Site

- 2.1 The application site consists of a two storey detached dwelling known as Redwood House, which is sited in the centre of a large plot within Temple Gardens in Moor Park. This is a private residential cul de sac, located to the south east of Moor Park Mansion (Grade I listed building) and is accessed from the main thoroughfare of Moor Park Golf Course. The streetscene, consists of mainly two storey detached dwellings of varied style, set on large plots with generous spacing between dwellings. The site is located within the Moor Park Conservation Area, and the Metropolitan Green Belt. It is also set within the registered Grade II* Park and Garden. In close proximity to the site is no.6 Temple Gardens which is a Grade II Listed Building. In addition, the steps, walls and statue in the Old Pleasure Grounds are also Grade II Listed.
- 2.2 There is an extensive planning history relating to the site, and the original dwelling has been significantly extended, with alterations made to its external finishes.
- 2.3 To the rear of the dwelling, the applicant has constructed a large outbuilding through permitted development and alterations were made to the land levels to facilitate this. The outbuilding sits at basement level and therefore is not readily visible from the site frontage. There is extensive land surrounding the dwelling which contains a number of significant trees and planting. The trees to the northern part of the site are protected by a woodland tree preservation order (TPO450).
- 2.4 The existing site is served by a carriage driveway with two separate accesses located to the site frontage. The garden area sits at a lower land level relative to the main dwelling, and there is extensive vegetation located along the site boundaries. It is noted that a tennis court previously existed on the site, however, this has now blended into the landscape of the site and therefore is no longer readily visible.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for construction of a detached garage, greenhouse and bin store, alterations to driveway, construction of new access gate to garage area, alterations to hard and soft landscaping, drainage and irrigation tank and external lighting.
- 3.2 Each part of the proposed development is described below:
- 3.3 Green house: A single storey detached green house is proposed which would be located to the north of the dwelling. It would have a width of 5m, a depth of 2.5m and would have a pitched roof form with a height of 2.4m. The elevations indicate that it would be of traditional appearance and would be part glazed with a brick finish at the lower level. A kitchen garden consisting of planting beds would be located adjacent to the green house.
- 3.4 Refuse Store: To the front of the site, a refuse store is proposed. This would be located in close proximity to the existing vehicular access. It would have a width of 2.3m, a depth of 1.45m and a height of 1.4m. It would have a timber finish with sedum roof form.
- 3.5 Irrigation Tank: An irrigation tank is proposed which would be located to the north east of the dwelling. It would have a height of approximately 1.8m, and would be screened by mature hedging of approximately 2m in height. An image has been provided to depict its appearance.
- 3.6 Detached Garage: A detached garage is proposed to the north of the dwelling and would have a width of 11m (including the proposed garden store area), and a maximum depth of 6.6m. It would have a gabled roof form with a maximum height of 4.1m with the roof form over the storage area having a reduced height of 3.8m. The plans indicate a brick finish with tiled roof form. Solar panels are also indicated to the front roof slope. The plans indicate

that due to the land levels, the garage would sit at a lower land level both to the original dwelling and to the highway frontage.

- 3.7 Gates: An automated sliding gate with palisade fencing to either side would be erected on the proposed internal access drive leading towards the new garage, detailed below. The plans indicate that the gates would have a height of 2m and would be open in terms of design. The gates would be the same width as the access drive with hedging to either side.
- 3.8 Landscape Alterations: Soft landscaping alterations are proposed including the provision of planting and pathways over the roof of the basement level pool building (the outbuilding itself was permitted under a separate CLPD application, in addition, landscaping to the roof has been previously permitted under application 21/2396/FUL). It is noted that at the time of the site visit, the landscaping to the roof had been completed.
- 3.9 A formal lawn area is indicated to the north/north west of the dwelling. The plans indicate pathways around this with further landscaping in this area. It is noted that a further patio area located to the west of the lawn. The formal lawn would sit at a lower land level to the main dwelling, with the adjacent woodland sitting at a lower level in relation to the lawn.
- 3.10 The plans include significant areas of new planting across all areas of the site.
- 3.11 Alterations to the frontage: The applicant is also seeking alterations to the existing frontage, including alterations to hard surfacing. This would involve the closure of one of the existing vehicular accesses and its reinstatement with soft landscaping in this area. As a result, the site would no longer be served by a carriage driveway. A paved driveway is proposed to the frontage in a curved layout with soft landscaping buffers to all boundaries. The plans indicate that this would lead to an access driveway which would extend to the north of the dwelling to the site of the proposed detached garage. An area of paving would be provided forward of the garage to provide a turning area.
- 3.12 It is noted that the current application follows a previous refusal (25/0900/FUL) on the site for similar works. The changes between the two include:
- Removal of attached pergola from rear of the dwelling
 - Reduction in area of hardstanding proposed to the frontage from an area of approximately 852 square metres to 552 square metres. The amendments to the layout include removal of the turning circle, removal of hardstanding to the side of the dwelling, removal of ancillary pathways
 - Re-siting of the proposed refuse store such that it is sited further back from the vehicular access
 - Reduction in pathways around the formal lawn area. Removal of gabion wall to the north of the lawn and its replacement with a natural gradient towards the woodland
 - Removal of formal woodland walk to the very north of the site.
- 3.13 Amendments have also been received during the course of the current application as follows:
- Removal of Paladin fencing to either side of the proposed gates and its replacement with hedging,
 - Reduction in external lighting levels.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

BCC strongly objects to this application for the following reasons:

The Ecology Officer has noted a net biodiversity loss which can be offset; however, the application has given no details on how this is going to be achieved. Historic England recommends that TRDC should weigh the harm and give great weight to the designated heritage assets, i.e. the Capability Brown Pleasure Gardens, which are still visible. There is clearly substantial harm to the green belt, the conservation area and the registered park and gardens and there is no public benefit or exceptional circumstances justifying such harm.

The proposal for lighting to the building façade, garage, driveway, garden, pool area and refuse storage is excessive and will create light pollution detrimental to wildlife in the area and neighbouring properties in the area. It is also totally inappropriate to the adjacent naturalistic setting of the Grade II Registered Park and Gardens.

The additional and excessive hardstanding which amounts to approximately 600 square metres includes pathway materials that are grey stone, which is out of character with the colour palette of the current dwelling and the woodland area.

There is a lack of a SuDS management plan to mitigate the previous flooding issues at Moor Park Golf Club. The plans for the implementation of surface drainage and an irrigation tank are insufficient to deal with the previous flooding issues.

The proposed Paladin fencing is totally unacceptable and inappropriate for the Moor Park Conservation Area and is contrary to Moor Park 1958's guidelines.

There are no details of the design of the greenhouse. Unless specific details of the construction, hardstanding and materials are provided, this cannot be included as part of this application.

Despite being set back from the boundary the size and materials of the gates are completely inappropriate for the site and contrary to the Moor Park Conservation area guidelines. The gates will also be visible at least in part from the roadway.

The proposed landscaping architecture is completely inappropriate in a protected woodland conservation area. The 21 proposed trees despite being TRDC approved species do not adequately mitigate the loss of more native mature trees.

The proposed woodland walk is unsuitable for access to the site.

BCC wishes to call this application into committee unless officers are minded to refuse.

4.1.2 Moor Park 1958: [No objection]

The Directors of Moor Park (1958) Limited note the contents of this application and the steps that have been taken to address the Grounds of Refusal in respect of Application 25/0900/FUL.

If the Council are minded to approve the application, careful consideration should be given to ensure that the existing tree and shrub growth between the road and the driveway leading to the garage block should be retained in full and strengthened if possible, and that the lighting should be carefully controlled so that it will not be detrimental to nocturnal creatures or create light pollution for the majority of hours of darkness.

4.1.3 Herts Archaeology: [No objection]

Thank you for consulting us on the above application.

In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.

Please do not hesitate to contact me should you require any further information or clarification.

4.1.4 Conservation Officer: [Objection]

The application is for Construction of detached garage, greenhouse and bin store, alterations to driveway; construction of new access gate to garage area; alterations to hard and soft landscaping; drainage and irrigation tank and external lighting.

The property is in the Moor Park Conservation Area, which has an adopted Conservation Area Appraisal (CAA).

The site is located within Moor Park Registered Park and Garden (RPG) which is Grade II* listed (List Entry Number: 1000251). It is also opposite 6 Temple Gardens, an early twentieth century Grade II listed house (List Entry Number: 1173919). To the east, are two Grade II listed structures related to the main Moor Park House, which are: Statue in Old Pleasure Grounds About 290 Metres Southeast of Moor Park (List Entry Number: 1100822) and Steps, Walls and Gates To Old Pleasure Grounds About 250 Metres South East Of Moor Park (List Entry Number: 1100821).

The site is now separated from Moor Park itself by a large tree belt, which is relatively large and open but only makes a limited contribution to the character of the RPG as it is now a domestic garden.

This follows the previous application 25/0900/FUL, which was refused in relation to hardstanding and some other reasons.

The Moor Park CAA states that extensive hard surfacing is not sympathetic to the open character of the frontages in the Conservation Area and that areas of hard standing to the front and side of a house should only be what is reasonably necessary to park and turn vehicles. The proposed was found to exceed the level stated in the CAA, resulting in an excessive degree of hardstanding which would harm the existing green character of the Conservation Area.

In the current application, the extend of hardstanding has been reduced and car tracking is shown in the submission. The proposed hardstanding appears proportionate in the context of the Site with much of it set back from the boundary. The proposed materials are block paving in grey or darker colours which appear to be of good quality and appropriate to the Site and overall, it is not considered harmful in heritage terms.

Temple Gardens is characterised by boundary treatments that are relatively open, with low boundary walls, or higher landscaped boundaries. The Moor Park CAA states that important characteristics of the Conservation Area include open frontages separating gardens from the estate road verges, grass verges, low walls or hedges. It also states that walls, metal gates and railings are not sympathetic as these are likely to alter the area's appearance. The submission shows paladin fencing adjacent to the proposed gate. These appear perpendicular to the street and set well within the Site behind heavy planting, so any heritage impact is likely to be limited. However, paladin fencing is not appropriate in this context and a lower boundary treatment of a more appropriate style, such as estate railings or post and rail fencing should be used.

This response has been made with regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 NPPF policy HE6.1: 'Proposals Affecting Designated Heritage Assets' and policy HE9: 'Conservation Areas'.

- 4.1.5 **Officer note:** The comments received raised an objection only on the basis of the proposed paladin fencing. In response, amended plans have been received which have removed the paladin fencing from the plans. As such, the Conservation Officer's concerns have been overcome.

4.1.6 Historic England: [Minor harm identified]

Historic England has commented on previous iterations of these proposals. As before, our primary concern is the potential impact on the significance of the Moor Park Conservation Area, the Moor Park Registered Park and Garden (RPG, Grade II*) and the wider setting of Moor Park (Grade I).

The landscape at Moor Park has a rich and multi-layered history, and has been shaped by a succession of outstanding landscape architects. 12 Temple Gardens stands within the Old Pleasure Grounds, an area of informal woodland apparently laid out by Lancelot 'Capability' Brown and altered as part of the significant works undertaken for the first Marquess of Westminster in the 1830s. The later development of Temple Gardens took advantage of the existing informal woodland character, and the pleasure grounds hence still retain their legibility.

Accordingly, any development which reduces the density of trees too much, or introduces too many new formal elements (including new structures, hard landscaping or even planting beds), would cause some harm to the significance of the RPG and Conservation Area by adversely affecting their characters.

From this point of view, the present proposals represent another incremental improvement over the previous proposals (your ref.: 25/0900/FUL). We consider that they would still cause some harm to the significance of the RPG and Conservation Area, but that the level of harm would be minor.

Recommendation: Historic England recommends that in determining this application your Council should weigh the harm which the proposed development would cause to the significance of the Moor Park Registered Park and Garden and the Moor Park Conservation Area against such public benefits as the development may procure. In doing so, it should give great weight to the conservation of these designated heritage assets.

If there are any material changes to the proposals, please contact us. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity. Please also advise us of the decision in due course.

4.1.7 The Gardens Trust: [Objection]

We are grateful for the opportunity to comment on this application, which has a material impact on the significance of Moor Park, a historic designed landscape which is Registered by Historic England at Grade II*. The inclusion of this site on this statutory register requires great weight to be given to its conservation.

The Registered Park and Garden (RPG) of Moor Park is a country house landscape designed by 'Capability' Brown in the 1750s. Design work by Charles Bridgeman also contributes to the historic significance of the landscape. The parkland also includes pleasure grounds, and in the mid twentieth century was laid out as a golf course. The

development site is next to the Bridgeman pool, later adapted by Brown with shrubbery surrounding it.

This proposal further contributes to the cumulative change in the landscape, whereby residential development erodes the parkland areas. Given the significance of this area of the site which strongly demonstrates the historic evolution of the landscape from Bridgeman to Brown, further residential development masks the designed landscape. As per paragraph 215 of the NPPF, we wish to highlight the lower level of less than substantial harm that the proposals would cause to the significance of the historic designed landscape. Proposed tree and shrub planting should provide effective visual mitigation while respecting local landscape character. A multi-layered structure should be used, with species chosen both for their local appropriateness and their tolerance of future climate conditions. Planting should be arranged in naturalistic clusters to integrate with existing landform and site topography and hydrology should guide the design so the planting can contribute to water management and withstand extreme weather. A 10-year adaptive management plan should be in place, including monitoring, replacement planting and flexibility to adjust species or management practices as conditions change. This will ensure the screen remains effective and resilient over the long term.

4.1.8 Landscape Officer: [No objection]

Recommend: Approval, subject to conditions. Further to comments on the previous application (Ref: 25/0900/FUL), the number of trees scheduled for removal on this application has been reduced to 16 trees and 1 tree group. In mitigation 69 new trees are proposed for planting, including 21 to replace those that died, and that the council requires are replanted.

A condition should be applied which requires the applicant to arrange a compliance visit with officers for the council, when the landscaping and replacement planting has been completed, so that assessment and approval of the replanting works can be made.

25/0900/FUL

Recommend: Approval, subject to conditions

The site is within a Conservation Area (Moor Park) and part of the site is protected by Tree Preservation Order (TPO450). Following a previous enforcement investigation at the property in relation to the deaths of a number of protected trees, the council is requiring the landowner to plant 21 standard trees to replace those that died.

This current application seeks to remove a further 9rboric. 20 trees and 1 tree group. Following a site visit on 12th August 2025, it became apparent that the additional trees identified for removal were all in poor health or had poor structural condition. In mitigation 71 new trees are scheduled to be planted. These new plantings would fulfil the planting required by the council and would mitigate the additional tree removals outlined above.

A condition should be applied which requires the applicant to arrange a compliance visit with officers for the council, when the landscaping and replacement planting has been completed, so that assessment and approval of the replanting works can be made

4.1.9 Herts Ecology: [First Comment: Objection]

Summary of Advice:**Advise- Insufficient information to determine application.**

The planning officer should either:

1. Refuse the applicant or advise it is withdrawn or,
2. Request further information from the applicant and re-consult the Ecology Service (LEADS) when it is furnished.

Pre-determination

- [Protected](#) species, insufficient information for determination, ground based tree roosting potential survey required.
- BNG Sufficient minimum information for determination.

Determination

- Habitats
- [Protected species](#), - conditional
- [BNG](#) – Non significant enhancement.
- [Conditions](#) -LEMP, CEMP, Badger measures, Informative nesting birds.

Post- Determination

- [BNG](#) – guidance

Comments and recommended Conditions and Informatives:

Habitats

Local Wildlife Site Moor Park Golf Course 89/012. The northern section is part I local wildlife site and will be impacted by the soft land scaping plans and some tree loss. The site is important for its f grassland which varies from acidic grassland to neutral grassland, A wildflower seed mix has been proposed for area within the LWS. Soil testing is advised to ensure that the grassland / seed mix is consistent with the seminatural grassland within this section of the LWS. Details of the testing, seed mix and management should form part of a LEMP which I advise is secured by Condition.

Ecological rep–rts - The Ecological Impact Assessment, (June 2026 update, 360 Ecology Ltd) references other ecological rep–rts - A PEA by ASW Ecology Ltd in November 2023, This PEA is reported as referencing the potential for; Badger, Great crested newt, Common & widespread breeding birds, Bats, Reptiles. The EclA updates the information for GCN, badgers, but not bats.

Protected Species

Great Crested Newts: multiple DNA surveys have shown the absence of great crested newts within 2 ponds one within the site the other and close and connected by contiguous habitat to the site.

Trees: The removal of main branches will need ecological supervision. 10rboricultural report advises the removal of the following trees 5 trees for the development (T25, T26, TG82, T97 and T98), and a further 18 trees10rboricultural reasons. (T02, T22, T29, T31, T41, T44, T45, T46, T49, T50, T60, T61, T64, T66, T75, T76, T77 and T95). I support the retention of the two dead standing trees: T31 – Common beech and T41 – Sycamore as monoliths

Bats: Given the proposed tree removal and tree works, and the apparent absence of any information regarding the potential of these trees to hold roosting bats I advise there is presently insufficient information on. It is acknowledged that the reports referenced above may hold the necessary information in which case they should be provided for scrutiny.

Standard mitigation measures to prevent harm to terrestrial mammals, nesting birds GCN and reptiles should be included as method statements, which could form part of a Construction Environmental Management Plan (CEMP). Mitigation: mitigation measures within the Ecological Impact Assessment, June 2026 update, 360 Ecology Ltd should be followed in full.

Biodiversity net gain

BNG- Pre Determination

Minimum BNG information pre- determination: A base line habitat map and statutory metric sufficient meet the minimum requirements for BNG predetermination have been submitted. The metric calculation tool, completed on 17 January 2026 by Ecology and Land Management, shows baseline values of 2.07 area habitat units and 0.46 hedgerow units.

LNRS & the base line: The submitted metric gives a value of low strategic significance to elements of the base line. This is in line with government guidance regarding the use of the LNRS. However, the Woodland and Urban trees are set as having medium strategic significance this raises the amount of BNG units needed which could be corrected if the applicant so chooses.

BNG- Determination

On site BNG is not significant: Non-Significant on site BNG: The proposed BNG is made up of habitats that cannot be secured by the planning process. As a result, I advise that the On-Site enhancements should be considered non-significant enhancements.

BNG net loss predetermination: A net change of -23.86% in area habitat units, -100% in hedgerow units is shown. The trading rules have not been met and no off-site biodiversity units have been entered in the metric.

In line with government guidance, it would generally be inappropriate for concerns about the ability to discharge the Biodiversity Gain Condition to be used as a reason to refuse the application. However, the applicant should be advised that the Biodiversity Gain Condition is a pre-commencement condition. If these matters are not addressed before determination, they will need to be resolved at the post-determination Biodiversity Gain Plan stage

BNG-Post Determination.

The metric identifies an area-balance error and records that the trading rules are not satisfied. Both these issues will need to be resolved in order to discharge the BGP.

LNRS & Post Determination Strategic significance: Areas of the application site are covered by mapped measures within the strategy. If the application is approved, the Biodiversity Gain Plan and supporting metric should reflect high strategic significant values for any areas (1) that are shown in the published local strategy and (2) deliver the mapped measures for that area. Any post development habitat interventions that meet both of these criteria will achieve a biodiversity unit uplift.

Biodiversity Gain Plan: I advise this is completed using the government template. In order the Biodiversity Gain Plan to be discharged it should be submitted with the following minimum information either within the body of the plan or as supporting information.

- Completed metric tool calculation that demonstrates
 - o a minimum 10% net gain achieved within the trading rules and consistent with the figures quoted within the Biodiversity Gain Plan.
 - o A fully completed start page including project details and the date the final version of the metric was completed.
 - o where off site units are being used these should be shown in the appropriate tab of the metric and the offsite gain site summary should be completed.

- pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale, Post Development Plans should be sufficient to record the location of the post determination habitats within the final metric submitted to discharge the BGP.
- if off-site units are being used, the biodiversity net gain register reference number will be required for a completed BGP,
- proof of purchase if they're buying statutory biodiversity credits
- a description of how they will manage and monitor significant on-site gains (for example, With a habitat management and monitoring plan)

Conditions:

Landscape and Ecological Management Plan (LEMP)

No development above ground level shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared by a suitably qualified ecologist and shall be consistent with the approved landscaping proposals and ecological information submitted with the application. It shall include:

- A description and evaluation of the habitats and landscape features to be created, retained and managed, including the part of the Moor Park Golf Course Local Wildlife Site affected by the soft landscaping proposals.
- The results of appropriate soil testing within the proposed wildflower grassland area, together with justification that the selected seed mix and establishment method are appropriate to the soil conditions and the seminatural grassland characteristics of this part of the Local Wildlife Site.
- The aims and measurable objectives for establishment and long-term management of the wildflower grassland, retained and replacement trees, shrubs, hedgerows and other habitat features.
- A five-year work programme, including an annual schedule capable of being rolled forward, and details of the body or organisation responsible for implementation.
- Monitoring methods, timing and reporting, together with triggers and procedures for agreeing and implementing remedial or contingency measures where the objectives of the LEMP are not being achieved.

The approved LEMP shall be implemented in accordance with the approved details and timescales. The habitats and landscape features covered by the LEMP shall thereafter be managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To secure the appropriate establishment and long-term management of habitats and landscaping, including the affected part of the Local Wildlife Site, and to ensure that the development delivers its intended biodiversity objectives.

Informative – nesting birds “Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.”

4.1.10 Herts Ecology [Second comment: No objection].

Summary of Advice:	
Application can be determined with Conditions and Informatives listed	Pre-determination • <u>Protected</u> species, Sufficient information for determination. • BNG exemption claimed but BNG claimed. Insufficient information to support claim. Determination • Habitats • <u>Protected species</u>, - conditional. • <u>BNG</u> – Non significant enhancement. • <u>Conditions</u> -LEMP, Tree/ bats method statement. CEMP, Informative nesting birds.

Comments and recommended Conditions and Informatives:

Habitats: Local Wildlife Site Moor Park Golf Course 89/012. The northern section is part of the local wildlife site and will be impacted by the soft land scaping plans and some tree loss. The site is important for its f grassland which varies from acidic grassland to neutral grassland, A wildflower seed mix has been proposed for area within the LWS. Soil testing is advised to ensure that the grassland / seed mix is consistent with the seminatural grassland within this section of the LWS. Details of the testing, seed mix and management should form part of a LEMP which I advise is secured by Condition. Ecological reports - The Ecological Impact Assessment, (June 2026 update, 360 Ecology Ltd) references other ecological reports - A PEA by ASW Ecology Ltd in November 2023, This PEA is reported as referencing the potential for; Badger, Great crested newt, Common & widespread breeding birds, Bats, Reptiles. The EcIA updates the information for GCN, badgers, but not bats.

Protected Species

Great Crested Newts: multiple DNA surveys have shown the absence of great crested newts within 2 ponds one within the site the other and close and connected by contiguous habitat to the site.

Trees: The arboricultural report advises the removal of the following 5 trees for the development (T25, T26, TG82, T97 and T98), and a further 18 trees for arboricultural reasons. (T02, T22, T29, T31, T41, T44, T45, T46, T49, T50, T60, T61, T64, T66, T75, T76, T77 and T95). The arboricultural report does not give details of the size of these trees but the Biodiversity report lists all but three (T31, T86 and T91) as having a dbh of less than 300mm all of which are being retained. Two dead standing trees: T31 – Common beech and T41 – Sycamore are to be kept as monoliths, though the Biodiversity Gain Report does not show T41as being retained.

Bats: Taking the size assessment within the biodiversity report on face value I do not consider further surveys are required. However, as part of the ecology service (LEADS) response to the previous application 25/0900/FUL, tree 31 was assessed in 2024 as having moderate bat potential. A subsequent aerial survey found no evidence of bats but did advise that the rot hole retained a low potential for its use by a bat. Consequently, it was advised that a “condition should be imposed that a further inspection by a licensed bat ecologist is undertaken immediately prior to felling. This tree is now shown as either to be removed or retained as a monolith. If it is to be removed, I advise it is soft felled in line with BCT precautionary measures. If it is to be reduced to a monolith this should be carried out according to a method statement informed by the aerial survey carried out in May 2025. I advise these are secured by

Condition. See suggested wording below.

Mitigation: mitigation measures within the Ecological Impact Assessment, June 2026 update, 360 Ecology Ltd should be followed in full.

Biodiversity net gain

The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.

(a) It Is a Householder Applications.

Nevertheless, the applicant has submitted a BNG metric and BNG report.

Claim of BNG delivery: In the submitted Planning & Heritage Statement section 6.6 states that the “proposals are low impact to preserve the openness of the Green Belt and would result in a 10% biodiversity net gain over the baseline conditions”. However, the metric submitted, completed on 17 January 2026 by Ecology and Land Management, shows baseline values of 2.07 area habitat units and 0.46 hedgerow units and a post development net change of -23.86% in area habitat unit and -100% in hedgerow units. If the applicant is going to deliver the 10% above base line conditions further units on site or off site would need to be provided.

There are a number of technical issues relating to the metric (see below). Some or all of which need to be addressed if the metric is to be used to record the biodiversity values pre and post development of the site.

- The metric identifies an area-balance error.
- LNRS & the base line: In line with Government guidance metric submitted post the publication of the local (Hertfordshire) LNRS can set their base line strategic value as low. In this case the Woodland and Urban trees are set as having medium strategic significance this raises the amount of BNG units needed which could be corrected if the applicant so chooses.
- Areas of the application site are covered by mapped measures within the strategy. A high strategic significant value could be set for areas that meet both of the following criteria; (1) that are shown in the published local strategy and (2) deliver the mapped measures for that area.

Conditions:

Landscape and Ecological Management Plan (LEMP)

No development above ground level shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared by a suitably qualified ecologist and shall be consistent with the approved landscaping proposals and ecological information submitted with the application. It shall include:

- A description and evaluation of the habitats and landscape features to be created, retained and managed, including the part of the Moor Park Golf Course Local Wildlife Site affected by the soft landscaping proposals.
- The results of appropriate soil testing within the proposed wildflower grassland area, together with justification that the selected seed mix and establishment method are appropriate to the soil conditions and the seminatural grassland characteristics of this part of the Local Wildlife Site.
- The aims and measurable objectives for establishment and long-term management of the wildflower grassland, retained and replacement trees, shrubs, hedgerows and other habitat features.

- A five-year work programme, including an annual schedule capable of being rolled forward, and details of the body or organisation responsible for implementation.
- Monitoring methods, timing and reporting, together with triggers and procedures for agreeing and implementing remedial or contingency measures where the objectives of the LEMP are not being achieved.

The approved LEMP shall be implemented in accordance with the approved details and timescales. The habitats and landscape features covered by the LEMP shall thereafter be managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the appropriate establishment and long-term management of habitats and landscaping, including the affected part of the Local Wildlife Site, and to ensure that the development delivers its intended biodiversity objectives.

Condition - Method Statement for tree with low bat potential:

Tree T31 with low potential for bat roosts. A method statement should be submitted to the LPA for approval. This should outline the methodology to soft fell or reduce it, as applicable, according to BTC best practice guidance and informed by the details of the aerial survey outlined in the Ecological Impact Assessment, July 2024 Updated May 2025, 360 Ecology Ltd and uploaded or planning application 25/0900/FUL. The work should then be carried out according to the approved method statement.

Informative – nesting birds

“Any significant tree/shrub works or removal should be undertaken outside the nestingbird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.”

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 11

4.2.2 No of responses received: 3 objections received

4.2.3 Site Notice: Expiry: 16.08.2026 Press Notice: 21.08.2026

4.2.4 Summary of Responses:

- Information submitted regarding the historical context of the site, including the importance of the historic gardens, and the arts and crafts style of the properties
- A number of pictures provided to demonstrate the original property. Concerns that no regard has been had to the original building.
- The pool house is not permitted development as it is now connected to the dwelling. A veranda on the top of the roof of the outbuilding means it is not permitted development.
- Damaging to the Conservation Area.
- Similar applications have been refused on the site. Minimal changes since the 2025 application.
- Concerns that enforcement actions are still pending.
- Destruction of Capability Brown landscape.
- Overdevelopment of the site. Significant extensions already beyond what is acceptable within the Green Belt
- Destruction of habitats, there are a number of habitats in the woodland area.
- Large garage inappropriate within the Green Belt and results in requirement for more hard surfacing. The garage would be visible from the road.

- Moor Park is a low crime area and therefore the garage is not required. The dwelling as it originally existed had a garage which was removed.
- Frontages should be kept open and therefore gates are not allowed. Fencing is inappropriate.
- Fences and gates would set a precedent.
- No evidence of the retention of the grass verges. Site plans make no allowances for the grass verges.
- The size of the green house and its design should be reviewed in detail and its surroundings rethought.
- Concerns regarding size and design of the Green House which should be agreed in detail and should not overlook the Moor Park mansion.
- The garage would be visible from the road. It is insufficient to state that there is some existing vegetation partially screening the development.
- Lighting is inappropriate, excessive number proposed.
- Pathway in the woodland should not be permitted and should be undisturbed
- Boulders are inappropriate
- Concerns regarding the construction routing, concerns regarding a new access off of the small roundabout. There is no existing access.
- Concerns regarding drainage. Expectation of a proper flood risk. Level changes and increase in hard surfaces will cause water to flow towards the mansion.

4.2.5 **Officer comment:** The comments in relation the construction routing plan are noted. In the event that the application is approved, then this plan would not be listed as an approved document.

4.2.6 The comments made in relation to the pool house are noted. However, the pool house is not the subject of the current application, with the works relating solely to landscaping works to the site. Comments in relation to its connection to the dwelling are not considered relevant to the assessment of the current application.

4.2.7 All other comments shall be addressed by the analysis below.

5 Reason for Delay

5.1 Committee cycle. Extension of time agreed.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In August 2026 the new National Planning Policy Framework was published. Relevant Policies to this scheme include: S3 (Presumption in favour of sustainable development), GB6 (Control of development in the Green Belt), GB7 (Development which is not inappropriate in the Green Belt), DP3 (Key principles for well-designed places), N2 (Improving the natural environment), N6 (Areas of particular importance for biodiversity and geodiversity), HE4 (Securing the conservation of heritage assets), HE5 (Assessing effects on heritage assets), HE6 (Proposals effecting heritage assets), HE9 (Conservation areas)

6.2 The Three Rivers Local Plan

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. The policies of Three Rivers District Council reflect the content of the NPPF.

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 PSP2, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) 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 DM1, DM2, DM3, DM6, DM7, DM9, DM12, DM13 and Appendices 2 and 5.

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; Policies EE1, EE3, GB1, BGL1, BGL2, TC1 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.

The Moor Park Conservation Area Appraisal (2006)

The Batchworth Neighbourhood Plan (2023). Relevant Policies include BWCC4 and BWDE1

6.3 Other

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

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

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.

7 **Planning Analysis**

7.1 Green Belt

7.1.1 Policy GB2 of the NPPF sets out the five purposes for including land within the Green Belt as:

- a. Check the unrestricted sprawl of large built up areas
- b. Prevent neighbouring towns merging into one another
- c. Assist in safeguarding the countryside from encroachment
- d. Preserve the setting and special character of historic towns and
- e. Assist urban regeneration by encouraging the recycling of derelict and other urban land

7.1.2 Policy GB6 of the NPPF relates to control of development in the Green Belt. This sets out that *'inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.'*

7.1.3 Policy GB7 of the NPPF identifies categories of development which are not inappropriate in the Green Belt and therefore should not be regarded as harmful or be required to demonstrate very special circumstances. These include:

- a. *Development which is for agriculture, horticulture and forestry, or which is solely for*

- nature conservation, restoration and/or enhancement;*
- b. The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;*
- c. Limited infilling in villages lying within the Green Belt;*
- d. Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site)*
- e. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;*
- f. Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:*
 - i. **Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location;***
 - ii. Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;*
 - iii. Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - iv. The provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments*

7.1.4 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD (adopted July 2013) notes that “as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below”.

7.1.5 Relevant to this current application are a) New Buildings, which states “Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”. In addition, criteria (c) is also relevant which sets out that extensions should not be disproportionate in size to the original building. In addition, Policy DM2 relates to ancillary buildings

The Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:

- i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt*
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development*
- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.*

7.1.6 Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF in relation to inappropriate development are not materially different between the two. On that basis, it is considered that Policy DM2 is in accordance with the NPPF and may be afforded weight.

- 7.1.7 Detached Green house: The applicant is proposing the provision of a detached green house structure which would be located to the north of the extended host dwelling. Whilst it is acknowledged that the structure would not fall within any of the identified exceptions to inappropriate development within the NPPF, it is acknowledged that Policy DM2 does make provision for ancillary outbuildings as set out above. The area in which the greenhouse is proposed is currently undeveloped and does not contain any built form, thus appearing visually and spatially open.
- 7.1.8 The greenhouse would be located in relatively close proximity to the existing dwelling. It would be modest in scale, with a width of 5m, a depth of 2.5m and a height of 2.4m. It is considered that it would appear as a traditional greenhouse structure which one would reasonably expect to find in a residential garden, particularly taking into consideration the size of the site. It is noted that one of the objections state that the plans do not give sufficient detail with regard to the appearance of the green house. In response, the elevations and floor plans provided are sufficient to determine the appearance of the structure. As such, it is considered that the greenhouse represents an ancillary structure which would accord with the provisions of Policy DM2 of the Development Management Policies LDD. It is also noted that the greenhouse was found to be an acceptable form of development under the previous application 25/0900/FUL.
- 7.1.9 Refuse Store: The proposed bin store would be sited within the front garden and would be set back from the frontage, screened by vegetation. Again, regard must be had to Policy DM2 of the Development Management Policies LDD which does allow for ancillary buildings. In this case, the structure would be of modest scale with a height of 1.4m. It would be integrated within the soft landscaping proposed, particularly taking into consideration its modest height and the sedum roof form proposed. Officers therefore consider that the refuse store would not have an impact on the openness or the rural character of the Green Belt by reason of its limited scale. As such, no objection is raised in this regard. It is also noted that the refuse store was found to be an acceptable form of development in green belt terms under the previous application 25/0900/FUL.
- 7.1.10 Detached Garage: The proposed development includes a detached garage which would be located to the north of the dwelling. As noted previously, Policy DM2 of the Development Management Policies LDD does provide for ancillary outbuildings and therefore regard must be had to this policy.
- 7.1.11 The proposed garage would consist of a double garage with store. It would have a width of 11m, depth of 6.6m and a height of 4.1m. Whilst it is acknowledged that this would be a relatively sizeable addition, one must consider the specific site circumstances. In this instance, the application site is large, with the land within the red line alone having an area of 0.6hectares. Therefore, it is not considered that the garage would be viewed as a disproportionate addition when taking into consideration the overall size of the application site which is vast. In terms of design, it would be a single storey addition and would avoid features associated with a residential dwelling such as dormer windows. In terms of its siting, it would sit at a lower land level to both the dwelling and to the adjacent highway, which would further reduce its visual prominence. Furthermore, the front boundary of the site is screened by extensive, mature screening in this location. As such, taking into account the specific site circumstances, it is considered that the proposed garage would represent an ancillary structure which would not be unreasonable for the size of the site. The development is therefore held to be an acceptable additional in accordance with Policy DM2 of the Development Management Policies LDD. It is noted that the garage was not objected to under application 25/0900/Ful and therefore did not form a reason for refusal.
- 7.1.12 Irrigation Tank: The irrigation tank is proposed due to the size of the site and to allow maintenance of existing and proposed landscaping. Again, it is considered that this can also be considered as an ancillary building under Policy DM2. This would be sited in close proximity to the proposed garage and would have a height of 1.9m which is not considered to be excessive and would be screened with evergreen hedging. As such, in terms of its

scale, it is considered that it would appear as an ancillary structure which would not be harmful to visual or spatial openness. Consequently, no objection is raised.

- 7.1.13 Gates: The proposed gates would not fall within any of the above identified exceptions to inappropriate development in the Green Belt. However, due to their location on the site and their limited scale, it is considered that they could also be considered as falling within the consideration of Policy DM2 of the Development Management Policies LDD. Notwithstanding this, given their siting and height, not exceeding 2m, it is considered that they could be constructed as permitted development under Schedule 2, Part 2, Class A of the General Permitted Development Order 2015 (as amended) without the requirement for planning permission, thus offering a valid fall-back position. Furthermore, the gates have been sited in a location which is not visually prominent on the site and their open design would also minimise any adverse harm from a Green Belt perspective. Whilst residents have raised concern that they would be seen, given their location as set well back from the established access point, it is not considered that they would be a prominent addition. It is therefore concluded that there would be no spatial or visual harm to Green Belt. It is noted that the original plans also included paladin fencing, however, the plans have now been amended and this element has been removed.
- 7.1.14 Landscaping: The proposed development indicates landscaping alterations. This would include the provision of a formal lawn with pathways, and landscaping to the existing outbuilding's roof. It is considered that these above operations would constitute engineering operations, which are exceptions to inappropriate development as set out within paragraph 154 of the NPPF, provided that they do not conflict with the purposes of the Green Belt.
- 7.1.15 Similar landscaping to the roof of the outbuilding was previously permitted under application 21/2389/FUL. The landscaping to the roof form has been implemented on site. Officers do not consider this to be a prominent addition and consider that this integrates into the setting of the site. It is also emphasised that the patio areas adjacent to the dwelling and implemented have been previously approved under the above application. Residents have also raised concerns that the outbuilding is linked to the main dwelling. In response it is acknowledged that a patio approved under application 21/2389/FUL adjoins both the patio and the outbuilding.
- 7.1.16 The formal lawn area would be an appropriate form of development from a Green Belt perspective which would retain soft landscaping to the side of the existing dwelling and therefore a sense of openness around the dwelling. Whilst the plans indicate pathways around part of the lawn, it is unlikely that this in itself would adversely impact on openness. The previously refused plans indicated a gabion wall to one end of the formal lawn and concerns were expressed that this would represent an urbanising addition. The current plans have sought to overcome this concern by proposing a natural slope down to the woodland. The landscaping in this location is now considered acceptable. Taking into consideration the purposes of including land within the Green Belt as set out in Policy GB2 of the NPPF, it is not considered that there would be any conflict with these purposes and consequently the development is viewed to be acceptable.
- 7.1.17 Hardstanding: To the site frontage, the applicant is proposing an increase in hardstanding, to provide a new driveway to the front of the dwelling, as well as the creation of an access drive leading to the new garage and associated hardstanding. This would be considered as an engineering operation under Policy GB7 (f) (i). Engineering operations are be considered as appropriate so long as the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green
- 7.1.18 The dwelling (prior to building works on the site) benefited from a carriage driveway with the plans from 2015 suggesting that the hardstanding had an area of 330 square metres. The applicant has also referred to a pre-existing tennis court which would be removed, however, officers consider that this has completely grown over and blended in with the existing site landscape, such that it cannot be relied upon as an existing form of development.

- 7.1.19 The plans submitted under 25/0900/FUL illustrated hardstanding with an area of approximately 852 square metres and by reason of its extent and spread, it was considered that there would be both visual and spatial harm to openness. From a visual perspective, concerns were raised that the increase in hardstanding would allow for vehicles to be parked across a large area which would highlight its existence and further exacerbate the visual harm to openness. The revised plans indicate a reduction in the area of hardstanding previously refused, with the current plans indicating a revised area of approximately 552 square metres. Officers acknowledge that this is still an increase compared to the pre-existing level of surfacing at the application site. However, the assessment of harm to the Green Belt cannot solely be based on numerical figures, and one is required to assess the actual harm to openness. As set out previously, under Policy GB7 (f) (i) of the NPPF, the provision of hardstanding is an appropriate form of development within the Green Belt as long as impact on the openness of the Green Belt is minimised and that there would not be a significant conflict with the Green Belt purposes as set out in Policy GB2 of the NPPF.
- 7.1.20 In this case, the amended plans submitted at the time of the current application include the removal of the previously proposed turning circle, and ancillary pathways to the frontage. These amendments are considered to have reduced both the visual and spatial impact of the hard surfaced area to the front of the dwelling. The layout of the driveway is curved with soft landscaping buffers to all sides which softens the development and reduces the urbanising impact on the locality. In addition, the application includes the closure of one of the existing vehicular accesses which historically served the site and introduces further soft landscaping in this location along the front boundary. This is also considered to be a benefit of the current scheme. It is acknowledged that the proposed development still includes an access drive and hardstanding to the front of the proposed garage and thus spatially, some spread of development would still occur. However, in this case, the site levels and vegetation would provide significant and effective screening which would ensure that this element would not be detrimental to openness, taking into consideration the reductions made to the overall surfaced area. Furthermore, as emphasised above, Policy GB7 (f) (i) of the NPPF requires an assessment of whether the engineering operations would conflict with any of the Green Belt purposes (set out in Paragraph 7.1.1. Officers consider that the development would not conflict with any of these purposes and thus the hardstanding is considered to be an appropriate form of development within the Green Belt.
- 7.1.21 Summary: In summary, no objections are held to the proposed development within the Green Belt. The structures proposed are considered to represent ancillary buildings, taking into consideration their scale in relation to the overall size of the site, their siting, land levels and screening. The development is viewed to be in accordance with the provisions of the NPPF, Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

7.2 Character and Heritage Assets.

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'. Policy DM1 and Appendix 2 of the Development Management Policies LDD advises that development should not be unduly prominent in the streetscene.
- 7.2.2 The host dwelling is located within the Moor Park Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is relevant. This advises that

development will only be permitted where it is of a design and scale that preserves or enhances the character or appearance of the area. The Moor Park Conservation Area Appraisal is also relevant and sets out specific guidance in order to preserve the special character of the area.

- 7.2.3 In addition, Temple Gardens is located within the Grade II* Registered Park and Garden of Moor Park. Historic England note that '12 Temple Gardens stands within the old Pleasure Grounds, an area of informal woodland apparently laid by Lancelot 'Capability' Brown and altered as part of the significant works undertaken for the first Marquess of Westminster in the 1830s. The later development of Temple Gardens took advantage of the existing informal woodland character, and the pleasure grounds hence still retain their legibility. In assessing applications for designated Heritage Assets, Policy HE6 of the NPPF is relevant and sets out the following:

'when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of significance.

- 7.2.4 In addition, Policy HE6 states that:

4) Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

and

6) Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

- 7.2.5 Policy HE9 of the NPPF relates to Conservation Areas and notes that proposals within or affecting the significance of Conservation Areas should:

a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and

b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

2. Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

- 7.2.6 Policy DM3 of the Development Management Policies LDD advises that 'planning permission will not be granted for proposals that would cause unacceptable harm to historic

parks or gardens (both registered or unregistered'. There are a number of Listed Buildings in close proximity to the site. Policy DM3 advises that '*applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and surrounding historic environment*'

- 7.2.7 Policy BW DE1 of the Batchworth Neighbourhood Plan is also relevant and relates to 'High Quality Design'. This sets out that proposals should 'respond positively to guidance an principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure. Chapter 5 of the Design Code sets out that dwellings in Moor Park should have 'a generous setback from the street and should have a vegetated front garden in keeping with the green feel of the area. Paving over front gardens with non-permeable surfaces must be avoided as it can cause drainage issues'.
- 7.2.8 The Moor Park Conservation Area Appraisal (2006) is also relevant and provides guidance in order to preserve the special character of the area, including its verdant setting and openness.
- 7.2.9 A number of different elements form part of the current proposal and these will be explored in turn below.
- 7.2.10 Green House: The proposed green house is considered to be of modest scale and would be of traditional appearance, finished with a mix of brick and glazing. Whilst residents have raised concerns that the Green house would impact on views towards the Mansion, this has not been raised as a concern by either Historic England or the Conservation Officer. Taking into consideration the overall size of the site, the scale of the Green House and its siting, it is not considered that there would be significant harm. It is also not considered that the structure would be readily visible from within Temple Gardens itself, given the dense tree coverage at the boundaries and that this structure would sit at a lower land level. Furthermore, a greenhouse is a structure that one would reasonably anticipate to find in a residential garden, particularly one of this size.
- 7.2.11 Refuse Store: This would be located within the front garden area. The Moor Park Conservation Area Appraisal discourages the provision of development forward of the front building lines, stating the following:
- To prevent the erosion of open street vistas, residential amenity and the appearance of a street, construction in front of the existing building line or existing building façade is unacceptable. This includes the construction of replacement garages and the erection of porches exceeding specified dimensions.*
- 7.2.12 Whilst the above guidance is noted, in this case, no objections are raised. A refuse store was proposed under the previous application and sat further forward on the site than that now proposed. However, it was determined that this element did not result in harm in heritage terms and therefore did not form a previous reason for refusal when determining application 25/0900FUL. Notwithstanding this, the applicant has sought to move the proposed refuse store further away from the front boundary than previously proposed in order to further minimise any harm. The refuse store is considered to be of limited scale with a height of 1.4m and with a sedum roof form which would allow it to integrate with the soft landscaping to the frontage. It would also be set back from the existing vehicular access which would also prevent it from appearing visually prominent from the frontage. Taking into consideration its scale, design, siting and the fact that the refuse store did not form a previous reason for refusal, no objections are raised in this regard.
- 7.2.13 Irrigation Tank: The irrigation tank is proposed due to the size of the site and to allow maintenance of the new planting. This is not considered to be unreasonable given the size of the site and the need to maintain the existing and proposed planting. Whilst it is acknowledged that this would be an urbanising addition, the plans indicate that it would be

of modest height (1.8m) and would be screened by planting which would help to mitigate any impact. Given its siting and position, it is not considered that this would result in significant harm to the character and appearance of the Conservation Area or to the Registered Park.

- 7.2.14 Detached Garage: The proposed development includes a detached garage which would be located to the north east of the dwelling. In terms of its scale and design, the applicant is seeking a double garage with garden store. It would have a width of 11m, a depth of 6m and a height of 4m. This is the size that was also previously proposed under application 25/0900/FUL. Whilst Historic England have not provided specific comments with reference to the garage when commenting on the current application, their previous comments made in relation to application 25/0900/FUL set out the following (the siting and scale of the garage has not been amended under this application and thus the comments are still considered applicable):

"The revised positioning and treatment of the garage also represent an improvement with a lower visual profile and clearer integration into the surrounding landform. We note that Herts Archaeology's updated response confirming that the proposals are unlikely to have a significant archaeological impact and raising no objection"

- 7.2.15 Likewise, at the time of the previous application, the Conservation Officer raised no objection considering that the size of the garage, the siting, drop in land levels and mature tree planting meant that there would be no impact on views towards Moor Park Mansion, and to the wider Conservation Area. Indeed, officers concur with this view. It is considered that the proposed garage would not be readily visible from within Temple Gardens and therefore would not represent a visually prominent addition within its setting. As such, the garage is viewed as acceptable in heritage terms. It is noted that residents have raised concern regarding the provision of the garage considering that it is not required as Moor Park is a low crime area, and that the original dwelling (before alteration) included a garage. These comments are acknowledged, however, it would be unreasonable to refuse permission on the basis that a garage may not be perceived to be required or that the applicant has previously removed a garage.
- 7.2.16 Gates and fencing: It is noted that a key attribute of Temple Gardens and of the wider Moor Park Area, is its sylvan character and open frontages. Indeed, paragraph 3.1.2 of the Moor Park Conservation Area Appraisal sets out the open character of the frontages in the Conservation Area are one of its most pleasant features, and that wall, metal gates and railings will not be considered sympathetic.
- 7.2.17 The original plans submitted with the current application include the provision of sliding gates with palisade fencing to either side. These are proposed to be located at the entrance to the access driveway to the proposed garage. In terms of the siting of the gates, these would be set well within the site and away from the front boundary such that they would not represent an urbanising or incongruous feature along the frontage. Their siting means that they would not act to visually enclose the site and thus the sense of openness at the site's frontage would be retained, thus ensuring that the character of the locality is retained in this regard. Given their siting, it is not considered that the sliding gates would be harmful to the character and appearance of the site or the wider Conservation Area. It is also not considered that the gates would conflict with the guidance within the Moor Park Conservation Appraisal document.
- 7.2.18 However, notwithstanding the above, the Conservation Officer raised concerns regarding the provision of paladin fencing as illustrated on the original plans, stating that whilst its heritage impact is likely to be limited due to its location, paladin fencing is inappropriate in this context. Therefore, during the course of the application, amended plans have been submitted to show hedging to either side of the gates which is considered to be more appropriate to the context of the site. It is also considered that the planting proposed would also further soften the appearance of the fencing.

- 7.2.19 In summary, whilst officers acknowledge that gates are generally considered to be inappropriate within the Moor Park Estate, the siting of the gates means that they would not result in significant harm to justify refusal in this instance. In addition, the paladin fencing has been removed from the plans which overcomes the concerns raised by the Conservation Officer. As such, no objections are raised from a heritage perspective. Furthermore, it is also emphasised that the gates did not form a previous reason for refusal in determining application 25/0900/FUL.
- 7.2.20 Landscaping Alterations: The proposed development includes extensive landscaping alterations across the site. At the time of the previous application, Historic England raised objections to the cumulative impact of the proposed development, setting out that the proposals would introduce further engineered landscape and built form into the Registered Park and Garden. At the time of the previous application, the comments received from Historic England emphasised that the historic character of the Registered Park is derived from its openness and naturalistic design.
- 7.2.21 Since the time of the previously refused application, the applicant has made amendments including the removal of a formal woodland walk which was shown previously to be gravel. The plans are now amended to set out that this area would consist of informal grassland with wildflowers and mown pathways meandering through. This is a less formalised approach to this area which is considered to be more sympathetic to the naturalistic setting of the Registered Park.
- 7.2.22 A formal lawn still forms part of the current application, however, the extent of pathways surrounding this area have been reduced such that they no longer extend around the whole parameter of this area. Informal grassland is illustrated and would completely contain the northern end of the lawn, thus integrating this area into the landscape. The previously proposed plan indicated a gabion wall adjacent in this location and concerns were raised that this would be an urbanising addition and exacerbated the perception of an engineered landscape, at odds with the naturalistic environment of the Registered Park and Garden. The amended plans now indicate a gradient sloping down which again is considered more appropriate to the setting.
- 7.2.23 The plans also indicate landscaping works to the roof form of the outbuilding. Residents have raised concerns that this would result in the outbuilding not complying with permitted legislation as it includes a veranda. Whilst these concerns are noted, the outbuilding itself is not subject of this current application and has been previously approved under a CLPD application, with the applicant now only seeking permission for the landscaping proposed on its roof form which would enable its use by occupants. It is noted that the outbuilding sits at a lower land level to the dwelling, and the provision of planting to the roof form allows the structure to integrate into the setting of the site and be read as part of the garden. Furthermore, it is noted that similar planting and landscaping works to the outbuilding roof form has been permitted under application 21/2389/RSP and this has already been implemented. Given the location of this landscaping and taking into consideration the site levels, it is not considered that the proposed landscaping would result in any harm to the character and appearance of the Conservation Area or the Registered Park and Garden to justify refusal.
- 7.2.24 At the time of the previous application, concerns were raised by officers regarding the extensive lighting scheme, noting that lighting of this scale would be inappropriate in the context of the Conservation Area, and would be a further urbanising influence, at odds with the naturalistic setting of the site. It is acknowledged that a revised lighting scheme was provided at the time of the current application. However, officers still raised concerns that the number of lights proposed was excessive. In response, amended plans have been received, however, concerns are still raised regarding the extent of lighting proposed in this setting. As such, a condition is suggested to ensure that any lighting is agreed.

- 7.2.25 Hard surfacing: The proposed development includes alterations to the frontage which would include the closure of one of the existing vehicular accesses and the extension of the existing hardstanding. In addition, a new access driveway would be created which would provide access to a further area of hardstanding and the detached garage (discussed above). Temple Gardens and the wider Moor Park area is characterised by its greenery and open frontages with the Conservation Area Appraisal stating the following:

The landscape qualities of the conservation area are of huge significance. The open and generous landscaping adds greatly to the special architectural character of the area by enhancing the architectural clean lines and enhancing the overall sense of space.

- 7.2.26 Paragraph 3.11 of the Appraisal goes on to provide specific guidance in relation to hardstanding and states the following:

Extensive hard surfacing will not be considered to be sympathetic to the open character of the frontages in the conservation area. Areas of hard standing between the front and side of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles. A “clover leaf layout” or similar will allow planting between the hardstanding and the road. In particular, single access drives rather than “in & out” drives should be employed.

- 7.2.27 The site has historically benefited from an existing carriage driveway to the site frontage, although it is hard to decipher given on-going construction works. It is also acknowledged that the site benefited from a hard surfaced tennis court, however, this has now largely grown over and is not visible on site. An aerial image from the site from 2018 prior to any works commencing is shown below:



- 7.2.28 At the time of the previous application 25/0900/FUL, the increase in hardstanding on the site formed part of one of the reasons for refusal, specifically in respect of the increase in hardstanding to the frontage which was considered to be an urbanising form of development eroding the open and green character of the site, area and the Grade II* Registered Park and Garden and the Moor Park Conservation Area. Since the time of the previously refused application, the applicant has amended the plans to reduce the extent of hardstanding. The officer report from 25/0900/FUL set out that the extended driveway would have had an area of approximately 852 square metres, whilst that currently proposed would have an area of approximately 552 square metres. The amendments to the layout of the driveway include the removal of a turning circle, removal of an area for parking extending to the side of the

dwelling, and removal of some ancillary pathways to the frontage which were considered to be unnecessary.

- 7.2.29 Notwithstanding the reduction from the previously refused application, officers acknowledge that the extent of hardstanding proposed does still extend beyond what historically existed. Looking at historic plans submitted in 2015, the driveway is illustrated at having an area of approximately 330square metres. Consequently, it is acknowledged that the hard surfacing as currently proposed would exceed this area. However, officers must consider the actual harm to the setting of the Conservation Area and to the Registered Park and Garden in order to determine the acceptability of the proposed area of hardstanding. In this case, it is not considered that significant harm would occur for the following reasons.
- 7.2.30 The proposed development includes the closure of one of the existing vehicular accesses and the reinstatement of this area with soft landscaping. The closure of the access is viewed positively as it would move hardstanding away from the Temple Garden frontage and introduce more greenery in this visible location, something the Appraisal seeks to achieve. Therefore, this area of the site would be enhanced in accordance with Policy DM3 of the Development Management Policies LDD. The proposed driveway would be set back from the frontage, with the turning circle removed from the plans. Likewise, the ancillary pathways have been removed, thus reducing the urbanising spread of development on the site. The driveway has a curved design with buffers of soft landscaping to all boundaries which would soften its appearance and ensure that it integrates into its surroundings. The level of hardstanding directly to the front of the dwelling is therefore considered acceptable and not unreasonable for a site of this size.
- 7.2.31 It is noted that the applicant is still seeking permission for an access drive and hardstanding to the garage frontage. However, the access drive and associated hardstanding would be set back from the frontage, screened by significant vegetation and would also be at a lower land level. This is such, that the actual visual harm to designated heritage assets would be minimised. Furthermore, the Conservation Officer has raised no objection to this element of the proposed development, considering that the *'proposed hardstanding appears proportionate in the context of the site with much of it set back from the boundary. The proposed materials are block paving in grey or darker colours which appear to be of good quality and appropriate to the Site and overall, it is not considered harmful in heritage terms'*. Indeed, the size of the application site is extensive (taking into consideration, the land within both the red and blue lines). As such, it is not considered that the area proposed to be hard-surfaced would be disproportionate or unduly urbanising. Consequently, whilst it is therefore acknowledged that the proposed hardstanding to the frontage would exceed that pre-existing at the site, this in itself is not reason to refuse the application. As set out above, the development would include significant areas of soft landscaping, including the closure of the existing vehicular access which would minimise visual harm and allow the development to integrate into its setting. Consequently, the proposed level of hardstanding is now considered to be acceptable.
- 7.2.32 Cumulative Impact: It is noted that some concerns have been raised regarding the cumulative extent of development proposed. In response, it is acknowledged that a number of structures are proposed, however, the bin store, green house and irrigation tank are ancillary structures which would not be dominant in their setting and have been sited to minimise their harm. Whilst the garage is acknowledged to be larger, given the overall site area, this would not be a dominant addition. It is also considered that extensive soft landscaping has been retained which preserve the naturalistic qualities of the site. Cumulatively, it is not considered that the development proposed would result in significant harm to justify refusal on this basis.
- 7.2.33 Summary: As set out, this application site has extensive planning history, including a refusal for the landscaping works in 2025. As set out, amendments to the scheme have been made including:

- Re-siting of the proposed bin store
- Removal of woodland walk area
- Removal of some of the pathways around the parameter of the formal lawn area
- Removal of gabion wall adjacent to formal lawn
- Removal of paladin fencing
- Reduction in hard surfacing from exceeding 800 square metres to 550 square metres,
- Removal of turning circles and ancillary pathways.

7.2.34 It is acknowledged that whilst the comments from Historic England consider the current scheme as an improvement on previous proposals, that there would still be a minor level of harm to heritage assets. The Conservation Officer has also considered that the scheme is an improvement to previously proposed schemes. Whilst the Conservation Officer has expressed concerns regarding the paladin fencing, this has been removed from the plans, thus overcoming these objections.

7.2.35 The comments from consultees in respect of heritage assets are acknowledged. However, officers consider that the development would not result in harmful impacts on heritage assets. . Officers consider that the specific site circumstances must be taken into consideration, including that the development would not be disproportionate to the size of the site, the siting of the structures, the associated land levels and the levels of soft landscaping proposed would minimise any adverse harm. In addition, whilst the area of hardstanding exceeds that pre-existing, its appearance is softened by the soft landscaping proposed including buffers to all sides. It is therefore considered that the development would preserve the character and appearance of the Conservation Area and the Registered Park and Garden. It is therefore concluded that The proposed development is considered acceptable and in accordance with Policy CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the provisions of Policies HE6 and HE9 of the NPPF.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook

7.3.2 The siting of the host dwelling and nature of the development means that there would be no impact on the residential amenities of the neighbouring dwellings. As such, no objections are raised in this regard. The development would be in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Access and Car Parking

7.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD requires a dwelling with four or more bedrooms to have three off street car parking spaces.

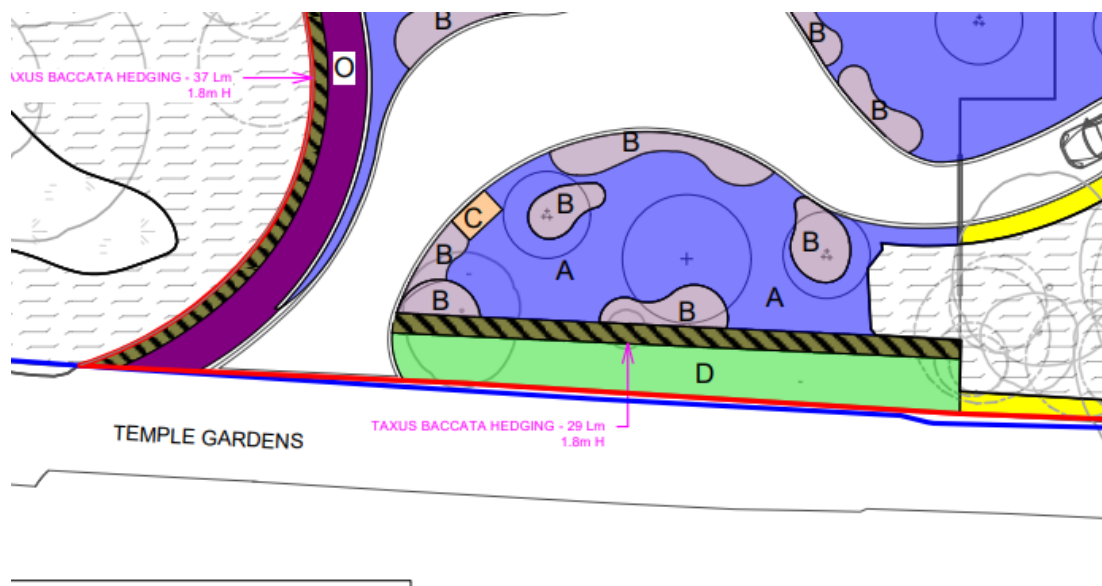
7.4.2 The proposed development includes the closure of one of the existing vehicular accesses. However, the site would be continued to be served by an existing vehicular access. It is not considered that any harm would occur as a result of the closure of one of the existing accesses.

7.4.3 The proposed development includes alterations to hardstanding and the provision of a garage which would provide ample provision for off street car parking. Consequently, no objections are made to the development in this regard. The proposals would be in

accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.
- 7.5.2 The application site is within a Conservation Area and part of the site is protected by a Tree Preservation Order (TPO450). Residents have raised significant concern regarding the impact on protected trees and also have raised concerns in relation to the retention of verges. At the time of the previous application, the Landscape Officer noted that following a previous enforcement investigation at the property in relation to the deaths of a number of protected trees, the council is requiring the landowner to plant 21 standard trees to replace those that died.
- 7.5.3 The Landscape Officer has been consulted on the current application and notes that the number of trees scheduled for removal as part of the current application has been reduced to 16 trees and 1 tree group. In mitigation, a total of 69 trees are proposed for planting. Consequently, the level of planting proposed is considered to mitigate the loss of existing trees on site. The Landscape Officer has also raised no objection to the planting which has been proposed. The replanting is considered essential to allowing the site to be both restored and further enhanced following development which has taken place over a significant period of time. This application will allow the re-planting to be conditioned and for the LPA to have control over the landscaping on the site. The Landscape Officer has suggested a condition shall be attached to the consent requiring a compliance visit to be undertaken following the landscaping works to ensure that this has been undertaken in accordance with the approved plans.
- 7.5.4 It is noted that residents have raised concerns that some elements of the scheme would not be in keeping with the character and appearance of the Conservation Area. This includes elements such as boulders. In response to these concerns, the applicant has advised that the boulders will help with stabilising the soil in this inclined location and also replicates a rockery approved under application 21/2389/FUL. Furthermore, the rockery area would be located to the rear of the site and thus would not be visible from Temple Gardens nor wider views from the Registered Park and Garden. It is also noted that a rockery would generally



not constitute development and could be undertaken without the need for planning permission.

- 7.5.5 Residents have also raised concerns that the verges are not indicated on the plans. This concern has been raised with the applicant who has advised that the verge is being retained as per the image below
- 7.5.6 An informative shall be added to any consent reminding the applicant of the requirement to reinstate the existing estate verge.
- 7.5.7 In summary, subject to a condition requiring the planting to be undertaken in accordance with the approved plans. The development is therefore acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.6 Wildlife and Biodiversity

- 7.6.1 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.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.6.3 Herts Ecology note that the application site is important for its grassland which varies from acidic grassland to neutral grassland. The Ecology Officer notes that a wildflower seed mix is proposed for an area which falls within the Local Wildlife Site. As such, soil testing will need to be undertaken to ensure that the grassland/seed mix is consistent with the semi natural grassland within this section of the Local Wildlife Site. The Ecology Officer has advised that details of the testing, seed mix and its management should form part of a Landscape Ecology Management Plan which can be secured via a condition.
- 7.6.4 The Ecology Officer has raised no objection to the development in relation to the impact on protected species. The consultee comments note that multiple surveys have shown the absence of great crested newts within two ponds, one within the site and another close by and connected by contiguous habitat to the site. With regard to bats, Herts Ecology do not consider that further survey work is required. However, their consultee comments note that T31 has low potential for bats, and as such, prior to any works to this tree, a method statement should be submitted to outline the methodology to soft fell/or reduce it as applicable. The Ecology Officer has also advised that an informative should be added to any consent to provide an advisory note in relation to nesting birds.
- 7.6.5 In summary, subject to the conditions suggested by Herts Ecology, the development is considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

Mandatory Biodiversity Net gain

- 7.6.6 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.

7.6.7 It is noted that the previous application was subject to assessment by Herts Ecology and was subsequently refused in the absence of an accurate BNG Assessment and Metric calculation. A number of issues were raised including the submission of two habitat maps and the concern that the habitats shown in some of the documentation did not appear to represent the existing habits on the site.

7.6.8 Herts Ecology have been consulted in relation to the current application. Their consultee comments now advise that the biodiversity net gain planning condition does not apply in relation to the application as the applicant has stated that the application is a householder application and thus meets one of the identified exemptions. However, the Ecology Officer notes that the applicant has still provided a BNG Report and Metric. The Ecology Officer notes that although the Heritage Statement identifies a 10% net gain over baseline conditions, the submitted metrix does not demonstrate this at present and suggests a loss, meaning further units on or off site would be required.

7.6.9 The submission of the metric is acknowledged, however, given this is a householder application it is considered that the application would not be subject to the mandatory 10% net gain and thus no objections are now raised.

7.7 Drainage

7.8 It is noted that extensive concerns have been made in relation to drainage. It is noted that a drainage proposal has been submitted under the current application. However, as this is not a major application, therefore, the drainage scheme has not been subject to assessment by the LLFA. It would be unreasonable to refuse the application on drainage grounds and furthermore, it is noted that this has not previously formed a reason for refusal.

7.9 Summary

7.9.1 In summary, it is acknowledged that the site has an extensive planning history and works have been ongoing on site for a number of years. However, this application must be assessed on its own merits.

7.9.2 For the reasons set out above, it is not considered that the development would be an appropriate form of development that would not result in harm to the openness of the Green Belt. Likewise, it is considered that the proposed development would not harmfully impact on heritage assets and would preserve the character and appearance of both the Conservation Area and the Registered Park. Furthermore, the proposed development would allow the extensive replanting scheme to be secured via a condition and to ensure that the site is restored and further enhanced. Officers therefore considered that the proposal is in accordance with Policies GB6, GB7, HE6 and HE9 of the NPPF, Policies CP1, CP9, CP10, CP11 and CP12, Policies DM1, DM2, DM3, DM6, DM8, DM13 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal (2006).

7.9.3 Officers do acknowledge that development has been ongoing on site for a number of years and that there is now a need for works on the site to be completed. Consequently, the standard time condition has been amended from three years to one year, in order for works to commence and be completed as soon as possible.

7.9.4

8 **That PLANNING PERMISSION IS GRANTED subject to the following conditions:**

C1 The development hereby permitted shall be begun before the expiration of one 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:

PA.01, PA.02, PA.03, PA.05 (Levels), PA.05 G (Garage), PA.06B, PA.07A, PA.04 (22.09.2026), PA.08, PA.09, PA.10, PA.15, PA.16, PA.17A, PA.18A, PA.19, PA.20 (09.10.2026) PA.FG_Mat, P501 G

Reason: For the avoidance of doubt, in the proper interests of planning, residential and visual amenity; in accordance with Policy PSP2, CP1, CP3, CP4, CP6, CP8, C9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development above ground level shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared by a suitably qualified ecologist and shall be consistent with the approved landscaping proposals and ecological information submitted with the application. It shall include:

- A description and evaluation of the habitats and landscape features to be created, retained and managed, including the part of the Moor Park Golf Course Local Wildlife Site affected by the soft landscaping proposals.
- The results of appropriate soil testing within the proposed wildflower grassland area, together with justification that the selected seed mix and establishment method are appropriate to the soil conditions and the seminatural grassland characteristics of this part of the Local Wildlife Site.
- The aims and measurable objectives for establishment and long-term management of the wildflower grassland, retained and replacement trees, shrubs, hedgerows and other habitat features.
- A five-year work programme, including an annual schedule capable of being rolled forward, and details of the body or organisation responsible for implementation.
- Monitoring methods, timing and reporting, together with triggers and procedures for agreeing and implementing remedial or contingency measures where the objectives of the LEMP are not being achieved.

The approved LEMP shall be implemented in accordance with the approved details and timescales. The habitats and landscape features covered by the LEMP shall thereafter be managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the appropriate establishment and long-term management of habitats and landscaping, including the affected part of the Local Wildlife Site, and to ensure that the development delivers its intended biodiversity objectives.

- C4 Prior to any works permitted that have not already been undertaken, protective measures, including fencing, shall be undertaken in full accordance with the approved Tree Protection Plan dated 11/09/2026 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to any works being undertaken to Tree T31, a method statement should be submitted to the LPA for approval. This should outline the methodology to soft fell or reduce it, as applicable, according to BTC best practice guidance and informed by the details of the aerial survey outlined in the Ecological Impact Assessment, July 2024 Updated May 2025, 360 Ecology Ltd. The work should then be carried out according to the approved method statement.

Reason: To ensure that there would be no impact on biodiversity interests at the application site in accordance with Policy DM6 of the Development Management Policies LDD.

- C6 All hard landscaping works required by the approved scheme shall be carried out and completed in accordance with the approved scheme.

All soft landscaping works including the replacement tree planting required by the approved scheme shall be carried out before the end of the first planting and seeding season immediately following the commencement of any part of the development hereby permitted.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 The driveway hereby permitted shall not be constructed other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number PA.FG_Mat 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) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013)

- C8 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

Informatives

- 11 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 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 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.
- 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.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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.

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.

- 15 The applicant is advised that the estate verge to the front of the application site must be reinstated. The applicant is advised to contact Moor Park 1958 with regard to this.