

# Pirton Parish Council



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## Representations of Pirton Parish Council

Appeal Reference: APP/X1925/W/21/3274765

Wrights Farm, Shillington Road, Pirton, Hitchin, Hertfordshire SG5 3QJ

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**Description: Permission in Principle: Erection of up to four dwellings following demolition of existing farmhouse and associated farm building (all matters reserved except access) (amended description and plans received 01/07/20 and 10/07/20)**

## INTRODUCTION

The site is portrayed as "derelict" and largely ignores its previous agricultural and equestrian use. The site has now been unoccupied for a considerable time, after tenants of the farmhouse and other users of the stables and barns were given notices to quit in 2017.

When considering the disposal of this farm on the 10th May 2019, Hertfordshire County Council (HCC) had access to a report which set out "existing and alternative use valuation detail" but this report has been withheld from public disclosure. Three options were presented to HCC and the third option to sell with outline planning permission was adopted. The other two options a) do nothing other than essential repairs and maintenance and b) bring the farm up to tenable standard were specifically "not recommended". This latter option of "bringing the farm up to a tenable standard was not recommended, as it would involve **"a capital sum to fund the required works"** for **"a relatively low rental"**. Unsurprisingly, HCC choose the recommendation to sell the Farm with the benefit of outline planning permission for **five** dwellings (prior to the listing of the old Barn) which would yield **"a significant capital receipt"**. When making the decision, it was recorded that no other alternatives were discussed, although HCC did discuss the matter sufficiently to include instructions that there should be a claw-back provision for further development.

It would seem that HCC did not properly consider alternative uses or act in the community's interest in this matter. Its intent was always disposal and " **a significant capital receipt**". Mention in the Appeal Statement by HCC, of the non-viability of alternative uses should be considered in this light. HCC's goal is to sell with outline planning permission to a commercial developer that will take on the project. Whilst no doubt well meant, warm words throughout the Appeal Statement about appropriate and sensitive development or restrictions on development are not, in our experience, binding in any way on a developer making a Reserved Matters application, which must be dealt with on its own merits by the local planning authority. In fact, the HCC's future interest in the whole of the Wrights Farm site lies in the "claw-back" provisions it expects to include in any future sale. Their future interest is entirely financial.

## **1.Context**

1.1 Pirton Parish Council is against the appeal proposals for the erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access).

1.2 The Parish Council confirms the matters in their submissions to the North Hertfordshire District Council (NHDC) dated 6 July 2019 and 14 August 2020

1.3 The Parish Council supports the decision of NHDC to refuse planning application 19/01275/OP and the reasons given for that refusal.

## **2. The Site**

2.1 The land in question (the Site) is in the north-west corner of Pirton, immediately behind Shillington Road properties. The Site contains two buildings, a 1950s farmhouse, and a large agricultural building used initially to house livestock, and latterly for equestrian purposes, as Pirton residents stabled their horses and ponies there, and adjoining fields were rented for grazing. There is a Listed Barn, another agricultural building and a stables block beyond the Site; and fields, formally used for grazing, now left wild.

2.2 The farmhouse is within the Pirton development boundary as identified by the current Local Development Plan, the Emerging Local Development Plan and the Pirton Neighbourhood Development Plan (The Neighbourhood Plan). The remainder of the site is outside the development boundary. It is clear that this boundary is secure, as the Planning Inspector of the Emerging Local Plan has had several opportunities to amend the boundary and has declined to do so.

2.3 Contrary to para. 2.3 of the Appeal Statement, the whole of the Site is within HCC's identified Archaeological Alert Area for Pirton. It should be noted that substantial areas of the site have not been evaluated archaeologically prior to the application or at all, including the sites for the proposed SUDS, the excavation of which will totally destroy any underlying archaeological remains. The area of the

livestock barn also has not been evaluated; the site here will be disturbed significantly with regard to groundworks, utilities etc. The Appeal should be refused on the ground of a lack of an appropriate archaeological investigation, both pre-application and pre-determination.

2.4 The site is within Visual Character Area 3 of the Pirton Character Assessment which supports the Neighbourhood Plan as an important transitional zone between the village and the countryside.

2.5 The site is crossed by Public Footpath No. 12, which the documentation indicates will need to be moved to accommodate the proposed garden of the livestock barn. The documents are very unclear as to where this footpath will move to; one suggestion being that it could be moved to the access road. This would be unacceptable as the proposed access road is narrow and will not be paved. This issue needs clarification.

2.6. Additionally, the proposed dwellings will be very visible from the footpath and also from Public Footpath No. 2 (from PF12 across the meadows and fields to Shillington) and will adversely impact the rural nature of this footpath.

### **3. Housing Need**

3.1 The proposals do not in any way address Pirton's housing needs. The Neighbourhood Plan identified the need for 2/3-bedroom dwellings which may include semi-detached and terraced housing; and homes suitable for downsizing including bungalows.

3.2 Pirton does not need more 4- and 5-bedroom homes. Newly built homes for sale since the adoption of the Neighbourhood Plan are in total 10 x 4/5-bedroom properties by Spitfire Homes at Priors Hill and 6x 3-bedroom properties; by Cala Homes at Holwell Turn 43 out of 49 dwellings are 4/5 bedroom, with only 6 x 3 bedroom. Homes under construction by Blakeney Homes at Walnut Tree Road are in theory 4x4/5 - bedroom, and 6 x2/3-bedroom dwellings. Of other small developments (11) at least 5 are 4/5-bedroom dwellings and 4 x 3bedroom dwellings. PNP 1 of the Neighbourhood Plan does not merely refer to "mix" on each site; the cumulative impact on the village as a whole to address its housing needs must be considered. The term "in accordance with local needs" is important; the mix is in terms of local need; there is no evidence of local need for 4/5-bedroom homes.

3.3 This identification of housing need is a result of a housing needs survey and the gathering of information and opinions of Pirton residents, both of which informed the policies in the Neighbourhood Plan and forms part of the examined and approved evidence base for the Neighbourhood Plan.

3.4 The appeal statement at para. 5.10 suggests that Pirton has not taken housing to meet the projected demand of 13,000 new dwellings over the Emerging Local Plan period. This is not the case. When preparing the Neighbourhood Plan, the Parish Council and Community were mindful of two sites being allocated by the NHDC

within a newly drawn development boundary. The Neighbourhood Plan accepted that new boundary and the allocations within it which meant accepting a minimum of 102 new dwellings or an increase of housing of almost 20% over the Emerging Local Plan period from these two sites alone. That allocation has now been delivered. All other development since 2011 has been within the Pirton Development boundary, except for 11 affordable dwellings which were approved and built on land originally outside of the development boundary and under the exceptions to Local Plan policy 6 to meet an identified need for affordable housing. Pirton's housing has increased by more than 25% since 2011 when development within the development boundary, both completions and sites currently with planning permission, is included.

#### **4.The Proposal for the Northern Section of the Site**

4.1 The Parish Council is mindful that this section of the Site is outside the village development boundary, and a field away from the Southern Section of the Site. The proposal is to demolish the single storey livestock barn and to replace it with a two storey Executive style 4/5-bedroom dwelling, isolated in the countryside. If this appeal is granted, it would establish the principle of development outside of the development boundary in this part of Pirton, which principle has been rejected in other planning applications and appeals. It would become a material consideration for any decision maker considering other applications for development in this area of Shillington Road.

4.2 The Appeals referenced in the NHDC submission directly relate to this particular village boundary and its importance as a transition to open countryside. These are important informants and material considerations regarding the impact of development on the northern part of the site. Additionally, two further proposed developments were withdrawn in the Burge End/Shillington Road area as they too would have been in that sensitive transition area, and the Local Planning Authority and the applicants would have been aware of these Appeal decisions. This may explain the Appellant's restraint in characterising the impact of their proposals on the countryside.

4.3 The Parish Council has argued that this section is outside the village development boundary where development is only supported under Policy 6 of the current Local Plan by exception. None of the exceptions are relevant here. At para 6.6 of the Appeal statement HCC states that in respect of the replacement dwelling to the livestock building that it "would have a neutral impact on the openness of the countryside it forms part of". As Policy 6 requires a **positive improvement** on the rural environment then this "**neutral impact**" does not meet that test.

4.4 The listed Barn does not form part of this application, although the impact on it must be considered. HCC suggests (see Para 6.22) that development of the site would improve access to the Listed Barn and support its further reuse and preservation. This argument is flawed as there is already adequate access, and the conservation argument is weak; the Barn is a listed building which HCC **must** preserve and maintain. Additionally, PNP10 of the Neighbourhood Plan (Support for Local Businesses) supports new uses of traditional farm buildings including a farm shop; prior to 2017 this Barn was used for equestrian purposes and the modern barn

near it for storage for businesses and individuals. Access was not an issue, and such business and commercial use, valued by the community, would not involve HCC in substantial expense to bring the building(s) back to life.

4.5 This is an application that has lost its way. The Northern Section was to have two dwellings now it has one. It does nothing for the listed Barn and there is ample precedent that it will affect the transition to the countryside.

## **5. The Southern Section of the Site**

5.1 This is the “farmhouse” site. As such, with a dwelling house and outbuildings already there, the principle of development is already established. It is within the Pirton development boundary. The issue is “what type of development”? That is the issue for all development within the development boundary. This application and Appeal do not address the issue. HCC has clearly acknowledged that its indicative plan for 3 x 4-bedroom dwellings could be re-imagined at Reserved Matters stage to more closely meet Pirton’s housing needs. This is not good enough, as this is an outline application, which leaves subsequent applications for Reserved Matters entirely open. Although the plans submitted are described as “indicative”, it is very difficult for a Local Planning Authority to reject an application which is based upon the indicative plan. Indicative plans should be produced now to reduce the number of dwellings planned for the site and or/reduce the heights of the buildings to single storey; preferably both.

5.2 The indicative plan and application demonstrates substantial loss of tree and hedgerow, when what should be sought is biodiversity gain.

5.3 The indicative plan for 3 dwellings brings the density of development outside of the density norm for this side of Shillington Road; it also results in smaller gardens than is the norm for Shillington Road.

## **6. SUDs**

6.1 The indicative plan shows two large SUDs balancing ponds as a means of addressing flood risk through surface run-off, rather than using the local drainage system. The Parish Council does not object to the use of SUDs or attenuation tanks in principle, as the drainage system for Pirton is under significant stress. However, these seem to be inordinately large, at the combined size of two tennis courts, to address the issue in relation to four dwellings, indeed, only three extra dwellings on the site.

6.2 Clearly, they are not both needed. They will cover more than 5% of the total site. The northerly SUDs was recommended for both Plot 4 and the Listed Barn, which no longer forms part of this application and appeal. They are another clear illustration of why the appeal should be refused, on the grounds that the proposal by reason of its type, location and visual impacts would be unacceptable in the Rural Area Beyond the Green Belt and would result in harm to the character and appearance of the locality.

6.3 At 0.6 meters in depth, landscaping will need to be provided to ensure that children, in particular, will not be able to access this volume of water. This is an outline application, but it is disappointing that the safety issues around the use of SUDS is not even touched upon, bearing in mind that one is close to public footpath No.12, and both close to the access road.

## **7. Parking**

7.1 The parking standards for Pirton are those set out in PNP13 of the Neighbourhood Plan, not the NHDC Parking Standards (see para 6.37)

## **8. Planning Policy**

### *8.1 North Hertfordshire District Council Local Plan No.2 (with alterations)*

The development proposal regarding the northern section of the site is located in the Rural Area beyond the Green Belt (Policy 6) and is contrary to Policy 6. The purpose of the policy is to protect the intrinsic character and beauty of the countryside in accordance with National Planning Policy Framework (NPPF 2021) Paragraph 174 and to prevent isolated development in the countryside in accordance with NPPF (2021) Paragraph 80.

8.1.1 The development proposal regarding the southern section of the site is located within the Pirton development boundary and subject to Policy 7 of the current Local Development Plan which states that development proposals will normally be permitted in Selected Villages within the rural area, beyond the Green Belt, provided it meets 3 criteria. Pirton is a Select Village; and plots 1-3, but not Plot 4, are within the main area of the village i.e., within the development boundary. The third criterion is that it should maintain or enhance the character or visual quality of the surrounding area. With the exception of the current single dwelling (the farmhouse), other buildings sited to the rear of houses in Shillington Road are small domestic or garden outbuildings. Three 2-storey properties, large enough to accommodate 4 bedrooms, behind and very close to current dwellings in Shillington Road, would be out of character with the surrounding area.

### *8.2 North Herts Local Plan 2011-2031 (submission plan)*

8.2.1 The submission Local Plan has undergone significant consultation, examination and modification, and is thus very well advanced. It is understood that there is a delay in the Inspector issuing his final report because of a late discovery of a number of letters of objection (primarily concerning Green Belt, not Pirton) that he had not seen. The list of modifications is available on the NHDC website. The northern section of the appeal site remains in the Rural Area beyond the Green Belt (PolicyCGB1), and the southern section ELP policy SP2 permits development within defined settlement boundaries. SP5 confirms recognition of the intrinsic value of the countryside and a general principle of restraint in Rural Areas beyond the Green Belt.

8.2.2 At examination into the submission plan the Inspector specifically considered the settlement boundaries around Pirton. He did not question the boundary around any part of the village save for that land to the north-west of the village, designated as a Scheduled Monument by the Secretary of State in July 2016 should remain in the Rural Area beyond the Green Belt, rather than being included in the settlement boundary. He also recommended allocating the remaining site (between the Scheduled Monument and Danefield Road) in the Emerging Local Plan, a site already within the Neighbourhood Plan and the subject of a completely separate and distinct outline application for planning permission.

8.2.3 The Inspector, therefore, will not be changing the settlement/development boundary along Shillington Road.

8.2.4 It is noted that the applicants accept that the Emerging Local Plan is a material consideration to which significant weight can be attached (Para 5.1)

### *8.3 Pirton Neighbourhood Plan 2011 – 2031*

8.3.1 Pirton Neighbourhood Development Plan (The Neighbourhood Plan) was “made” and adopted as a statutory planning document on 24 April 2018. Having gone through a rigorous examination, the policies are compliant with the NPPF as it was in 2018, and remain compliant with the 2021 version.

8.3.2 The Neighbourhood Plan allows for additional new homes within the development boundary but seeks sensitive development to maintain the village’s strong and established sense of place (Neighbourhood Plan Examiner) in accordance with the character of the village, its archaeological and built heritage and its connection to the countryside.

8.3.3 Although the appeal proposal is for Outline permission, the following Neighbourhood Plan policies are relevant either in general terms or in relation to the indicative layout submitted with the application:

PNP1 Meeting Local and Wider Needs (Pirton and North Hertfordshire)

PNP2 Design and Character

PNP4 Hedgerows, Trees and Verges

PNP5 Wildlife

PNP8 Heritage

PNP10 Support for Local Business

PNP13 Parking

PNP1. The application would meet PNP1.1 as regards the farmhouse site (southern section) being within the development boundary and for less than 30 dwellings. The application regarding the livestock building fails PNP1. The application also fails to meet the housing needs of Pirton as set out in PNP1.3 and 1.4.

PNP2 The application in its entirety fails to meet PNP2 in that it does not recognise and reinforce the distinct local, rural character of both Pirton village and Parish; does not maintain the proportions of openness between buildings in the immediate

surroundings; does not preserve or enhance the special character of the adjoining conservation area

PNP4 There is a paucity of firm proposals regarding the treatment of existing trees and hedgerows

PNP5 Although an outline application, there is a paucity of information about matters such a boundary treatments.

PNP8 The archaeological pre-application evaluation to date is incomplete, as the area of the two SUDS balancing ponds and the livestock barn and garden have not been evaluated at all. PNP8 has not been met.

PNP10. No attempt has been made to evaluate alternative uses for the livestock barn for business/commercial use, contrary to PNP10

PNP13 The standards for parking in development sites in Pirton is PNP13. Two parking spaces per dwelling is insufficient; at least 3 per dwelling is required.

## **9. Planning and Sustainability**

9.1 The NHDC say they no longer have a 5-year housing supply. The proposed 3 dwellings on the farmhouse site (southern section) have the potential to contribute to the NHDC's 5-year housing supply. That would add, in fact, only 2 additional houses on this plot, so should be given only limited weight.

9.2 The livestock barn (Plot 4) is outside of the development boundary, and would add only a further 1 dwelling, and again should be given only limited weight.

9.3 The construction of the dwellings would bring some minor economic benefits, but this would be only for a limited time. The contribution to the local economy of 3 additional dwellings would be minimal. The contribution to social sustainability is also limited; the proposals do nothing to meet the identified housing needs of the community.

9.4 The proposals would be harmful to the character and appearance of the area, and contrary to both national and local and neighbourhood plan policies.

9.5 The totality of adverse impacts would significantly and demonstrably outweigh the limited benefits of development. The proposal conflicts with the NPPF and the Local Development Plan and with the Pirton Neighbourhood Development Plan when taken as a whole and consequently the proposal is not sustainable development.

## **10. Conditions**

10.1 Without prejudice to the Parish Council's firm position against the appeal proposals, in the event that the Inspector decides to allow this appeal, the Parish Council seeks planning conditions in the following terms:



10.2 No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity

10.3 Prior to occupation, each of the residential dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality

10.4 Prior to the commencement of development, a written Biodiversity and Habitat Management Plan should be prepared and submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and who will have the management responsibilities. Emphasis should be placed on boundary treatments that are sympathetic to the movements of hedgehogs and small mammals across the site, and to protect the bat roosting sites and the population of common lizards.

Reason: In the interests of biodiversity and protected species

10.5 Archaeology: No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions, and the areas not previously evaluated i.e. Plot 4 and the two SUDS Balancing Ponds; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition x above.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme

set out in the Written Scheme of Investigation approved under condition x and the provision made for analysis and publication where appropriate.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

Jill Rogers  
Chair Pirton Parish Council

22 October 2021