

**Standing up for Hertfordshire's countryside**

Heather Lai  
Planning and Building Control  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

Our Ref:

Your Ref:

19<sup>th</sup> June 2019

Dear Ms. Lai,

**Application No. 19/01175/FP**  
**Erection of one 5-bed detached dwelling house**  
**On Land Adjacent to Pirton Footpath 012 and Burge End Lane, Pirton, Hertfordshire.**

CPRE Hertfordshire object to this resubmission of application 18/02818/FP for residential development in the Rural Area Beyond the Green Belt, contrary to policies in the current North Herts Local Plan No. 2, the Submission Local Plan and the Pirton Neighbourhood Plan.

With minor amendments to the access, this is in all respects a resubmission of the application which the Council refused in December 2018.

The Design and Access Statement purports to address the reasons for refusal, but in essence restates the arguments which were made in the original application.

The emphasis, again, is on the fact that the Council cannot demonstrate a 5-year housing land supply. It is stated that the Submission Local Plan, which has now been through Examination in Public and the Inspector's report imminent cannot be given significant weight in determining the planning balance. Both the National Planning Policy Framework and the March 2019 update of National Planning Practice Guidance state that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation. Clearly the policies in the Submission Local Plan can be afforded significant weight.

It is not the case that in the absence of a 5-year housing land supply Local Plan Policies are superseded. This aspect of the NPPF has been the subject of considerable dispute and in 2017 the Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd.* (2017 UKSC 37)) held that Local Plan policies to protect the countryside from development (such as North Herts Local Plan Policies relating to the Rural Area Beyond The Green Belt) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words the presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission.

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

President:  
*Sir Simon Bowes Lyon, KCVO*  
Chairman: *Richard Bullen*  
Registered Charity 1162419

The proposal is for development in the Rural Area Beyond the Green Belt and does not comply with any of the criteria included in current Local Plan No.2 Policies 6 and 7. The latter states that development should be within the main area of the village as shown on the Proposals Map. This site is outside that area. It also states that should the proposed development be within a Conservation Area it should make a positive enhancement to the character of the Conservation Area. In our view this proposal will not do that. Nor does it meet any of the criteria included in Policy 6. Similarly it does not fall within any of the criteria in Policy CGB1 of the Submission Local Plan or Policy PNP1 of the Pirton Neighbourhood Plan.

On the latter, because the Pirton Neighbourhood Plan restricts further residential development to within the settlement boundary, it is disingenuous of the applicant to then imply that because the Neighbourhood Plan does not specifically exclude development outside the village, that such development is therefore permissible.

As we mentioned in our previous comments, the siting of this proposal is important. Burge End Lane lies within the Conservation Area. They form an enclave of Listed buildings (a mix of Grade II and Grade II\* properties) separated by fields. The National Planning Policy Framework requires that the nature and setting of these listed buildings needs to be considered carefully in determining the planning balance. This proposal is to insert a further building within one of those fields. In the recent past similar proposals on other fields have been resisted and subsequently withdrawn. Approval of this application is likely to be seen as a precedent and the earlier proposals resurrected. If that was to happen the character of this part of the conservation area would be irrevocably damaged.

In our view the proposal would harm the setting of the adjoining Grade II\* listed buildings, contrary to Paras 194 and 195 of NPPF 2018 and Section 66 of the Planning & Listed Building and Conservation Act 1990. Para. 194 of NPPF 2018 specifically states that “*Grade I and II\* listed buildings ... should be [considered] wholly exceptional*” and para.195 that “*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless... substantial public benefits outweigh that harm.*” No substantial public benefits exist: The social and economic benefits of a single dwelling will be limited.

We also continue to have concerns regarding the proposed enclosure of Footpath 012. At present this footpath is part of a field margin, with hedging along its northern edge. The proposal is that “*A post and rail fence would be erected alongside the public footpath and a hedge planted, to provide separation between the garden to the dwelling and the public footpath. A minimum gap of 1.5m would be provided for the public footpath.*” (PDAS para 3.6). In effect this would enclose the footpath on both sides. The hedging would, in time, encroach and narrow the pathway. There is no mention in the application as to who would be responsible for undertaking maintenance to keep the path clear.

Consequently, for the reasons stated above, we urge the Council to refuse this application.

Yours sincerely,

David Irving