

Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

21st November 2018 (by email)

Dear Ms. Lai,

Application No. 18/02818/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 application 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.

In the Planning Design and Access Statement accompanying the application, the applicant claims (at paragraph 5.15), that as the Council cannot demonstrate a 5 -year housing land supply, then these policies do not apply. This is not the case. 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 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relating to the Rural Area Beyond The Green Belt) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight.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. The existing Local Plan, of course, remains in force until such time as the Submission Local Plan is adopted. Consequently the policies in it can be given due weight and taken into account when considering the balance implicit in NPPF para. 11.

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.

Following assessment of the housing need in the Villages, the Council noted that around 94 homes have been built or granted planning permission in Pirton since 2011 and did not propose further development. Nevertheless there have been further speculative applications, some approved and some currently subject to appeal. Consequently it is incorrect of the applicant to claim that there is an undersupply of housing in the village.

Given the extent of current development it could be considered that one more wouldn't hurt. However, given the context and proposed location, that would not be the case. Burge End Lane, and this site, lie 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 may be 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 Section 16 and 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 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 with hedging, which would, in time, encroach and narrow the pathway. There is no mention in the application as to who would be responsible for undertaking maintenance.

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

Yours sincerely,

David Irving