



The countryside charity
Hertfordshire

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Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

26th August 2020 (by email)

Dear Mr. Hunter,

Application No. 20/01564/FP
Erection of one detached 4-bed and two detached 5-bed dwellings including garages and
creation of vehicular access off Back Lane.
On Land Adjacent To Dungarvan, Back Lane, Preston, Hertfordshire SG4 7UJ

CPRE Hertfordshire have concerns regarding this application for residential development in the Rural Area Beyond The Green Belt contrary to the National Planning Policy Framework, the current North Herts Local Plan and the Preston Parish Neighbourhood Plan.

As with other sites within the District, this site is caught between conflicting designations in the Current North Herts Local Plan and the Submission Local Plan currently subject to Examination in Public and to which weight can be accorded.

We note the comment in the Pre-Application advice given to the applicant by the Council that "the delay to the emerging New Local Plan combined with NHDC's extraordinarily low five year housing supply constitute "a very special circumstance" to justify grant of planning permission on small sites such as this." We consider this to be a somewhat reckless statement on behalf of the Council. On the basis of this advice the applicant considers that the application will be approved and offers no justification to outweigh the harm to the Rural Area. Pending the outcome of the EIP this is premature.

The delay to the emerging Local Plan simply means that the current Local Plan remains in force and the site remains in the Rural Area Beyond the Green Belt until such time as the EIP is completed. Nor is it the case that in the absence of a 5-year housing land supply Local Plan policies are superseded. The Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) clarified that existing Local Plan policies which are designed to protect the environment, (such as Local Plan Policy 6) retain substantial weight despite lack of a 5 year housing land supply, while allowing the need to secure an adequate supply of housing

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land to be taken into account. Recent appeal decisions in North Herts have upheld that position, (APP/X1925/W/17/3192151 and APP/X1925/W/18/3194048). The case of Hunston Properties Ltd (EWCA Civ 1610) held that *“the weight to be given to such a housing shortfall is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development.”*

At present the site is open pastureland in the Rural Area and as such its development would be contrary to Policies 6 and 57 of the current Local Plan. Under either the current or submission Local Plans, the Preston Parish Neighbourhood Plan, which forms part of the North Herts Development Plan, also has to be taken into consideration and the Planning Statement accompanying this application does not recognise the Neighbourhood Plan nor addresses the policies in it. The Application claims to be in accordance with the submission Local Plan, however Paragraph 8.5 of that Plan states that *“applicants should be mindful of emerging and adopted neighbourhood plans in the parish or settlement where the site is located.”* That does not appear to have happened in this case.

As the Council is aware, the policies in the Neighbourhood Plan reflect the views of the local community. In preparation of both the Neighbourhood Plan and the emerging Local Plan, a Preston Housing Needs Survey was prepared which concluded that there was a requirement in Preston for 1, 2, and 3 bed units for single people and two person households, not large 4 or 5-bed houses as proposed here. This is reflected in the Objectives and Policies in the Neighbourhood Plan. In the submission Local Plan, Development Site PR1 is allocated to meet that need.

Policy HD1 of the Neighbourhood Plan sets out the criteria which development in the village should comply with, Policy HD3 requires the applicant to demonstrate the way in which the development would address the assessed local housing needs and HD4 requires the development to take account of local housing needs. Those criteria are not met by this proposal.

Policy EH2 sets criteria for development in the Conservation Area. This requires the applicant to demonstrate how the particular environment of Preston has been taken into account during conception and evolution of the design. In talking about the position of this development in the Conservation Area, the applicant makes erroneous statements in the Planning Statement. It is not true to say that *“the site is bounded by numerous large detached houses.”* The western side of the site is bounded by the Primary School playing fields. Beyond them is the school. Opposite the school are an attractive group of red brick cottages, a better reference and offering much more sympathetic village housing at a fraction of the land take proposed in this application. Opposite the site, across Back Lane, is open countryside. The south eastern side of the site consists of Dungarvan and Cherry Trees, modest linked

bungalows and to the east is 3 Crunnells Green, and a one and a half storey house of traditional design currently under construction. None bear any resemblance to the large houses proposed on this site, which are not similar in form to any of the buildings nearby. There are two large detached houses on School Lane to the northwest (Dinsley Field and Crunnells Green House) in very large gardens, separated from the site by a wide tree belt, but these are not typical of the bulk of the built fabric of the village. The rather overblown 'statement' design of the proposed buildings do not reflect the surrounding properties. We consider that they would harm the character and appearance of this part of the Conservation Area.

In 2019 North Herts Council adopted a Climate Emergency motion and amended its Climate Change Strategy to achieve a target of zero carbon emissions by 2030. Section C of submission Local Plan Policy SP1 requires development to secure any necessary mitigation measures that reduce the impact of development, including on climate change. Policy HD5 of the Neighbourhood Plan states that proposals for the provision of measures for water conservation and landscape schemes that improve biodiversity, and proposals with a low carbon footprint will be encouraged. There is nothing in this application which demonstrates any recognition of these requirements. There is no demonstration of energy conservation measures accompanying the application and an over provision of toilet facilities in the properties (e.g. seven w.c.s in a five-bed house) does not suggest that water conservation has been considered in the design.

In terms of the natural environment, the applicant's view is that "the land has no function either practically or as a visual asset" and that it is "derelict". Whatever the Council determines the quality of the land to be, it is fact that it was previous maintained pasture and allotment land which has been allowed to revert to a wild state. As such it maintains a varied ecology of both flora and fauna, including protected species. HERC1 and HERC8 of the Neighbourhood Plan requires the applicant to carry out an ecological survey to be carried out in compliance with DEFRA methodology. No such survey is included in the application documents.

On balance, whether considered under the current Local Plan or the submission Local Plan, we consider the proposal to be in conflict with the North Herts Development Plan and we urge the Council to reject it.

Yours sincerely,

David Irving



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