



---

## Appeal Decision

Site visit made on 8 December 2021

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>TH</sup> December 2021**

---

### **Appeal Ref: APP/X1925/W/21/3276596**

### **Land south of Holwell Road, Holwell, Grid Ref Easting 517033 Northing 233281**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
  - The appeal is made by Ms H Flint against the decision of North Hertfordshire District Council.
  - The application Ref 20/02520/PIP, dated 2 November 2020, was refused by notice dated 7 December 2020.
  - The development proposed is described as residential development of land for affordable housing (five dwellings).
- 

### **Decision**

1. The appeal is allowed and permission in principle is granted for residential development land for affordable housing (five dwellings) at land south of Holwell Road, Holwell, Grid Ref Easting 517033 Northing 233281 in accordance with the terms of the application, Ref 20/02520/PIP.

### **Background**

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The Saved Policies of the North Hertfordshire District Local Plan No.2 with Alterations (2007) (SLP) is clearly an aging document and therefore I have applied due weight to its policies where they are broadly aligned to the relevant parts of the National Planning Policy Framework (2021) (the Framework). However, given the advanced stage the emerging North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) has reached, I have also apportioned some weight to those relevant policies, where they are aligned to the relevant parts of the Framework.

## **Main Issues**

5. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development proposed.

## **Reasons**

### *Location and proposed land use*

6. The appeal site is located on the edge of the small village of Holwell. It is a smaller part of a large, flat agricultural land parcel on the periphery of the village, outside of the built core. At the site visit, it appeared that the land had been planted for crops.
7. The western boundary of the appeal site is the built edge of the village, where there are an existing number of semi-detached houses fronting Holwell Road, as well as a new development off Rand's Meadow. The north of Holwell Road is undeveloped open farmland and to the east and south of the appeal site are open fields.
8. Holwell has limited services and facilities including a church, village hall and playing fields and is classed as a Rural Area Beyond the Green Belt.
9. Policy 6 (Rural Areas Beyond the Green Belt) of the Saved Policies of the North Hertfordshire District Local Plan No 2 with Alterations (2007) (SLP) strictly controls new development in open countryside with planning permission being limited to a closed list of exceptions, including where it would meet an identified rural housing need, in compliance with Policy 29 (Rural Housing Needs) of the SLP. Policy 29 supports small scale 'exception' housing outside of selected villages, provided (amongst other things), that the proposal is visually sympathetic to the existing character of the settlement to which it will relate and would not detract from that character or surrounding landscape.
10. The policies of the North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) (eLP) include policy CGB1 (Rural Areas Beyond the Green Belt) which would effectively replace saved policy 6. Policy CGB1 supports development in Rural Areas Beyond the Green Belt, subject to a selection of circumstances. Policy SP2 (Settlement Hierarchy) classes Holwell as a Category B village. Neither the SLP nor the eLP make specific housing allocations in Holwell.
11. Policy CGB2 (Exception sites in rural areas) provides support for affordable housing proposals beyond the built core of Category B villages, subject to (a) there being proven local need; (b) There are no reasonable alternative, suitable and available sites within the built core of relevant Category B villages; (c) that the proposal would meet relevant criteria of Policy HS2, particularly in relation to need, affordability and retention of dwellings; (d) The proposed development would not have a substantial adverse impact on the openness or general policy aims of the Green Belt or Rural Area beyond the Green Belt; and (e) The public benefit of the proposal outweighs any harm that might arise against these aims.
12. It is the council's position that the appeal proposals would meet proven local need for affordable housing (where there remains an unmet requirement for 5 dwellings, having regard to the need from the 2015 housing needs survey and

the development at Rand's Meadow which partly met some of that need).

Whilst the council do not state this specifically, I have not been made aware of any other alternative sites within the built core of the village that should have been considered.

13. As such I consider the location and proposed land use is acceptable having regard to parts (a) to (c) of policy CGB2.

*Amount of Development*

14. I accept that there would be some harm to the character and appearance of the appeal site – being open, undeveloped and agricultural. Clearly, the proposed development would change the site permanently and I agree with the council's position (officer's report at para 4.4.2) that this attracts moderate harm.
15. I therefore find there would be harm to eLP policy NE1 (Landscape) insofar as it would result in the permanent loss of open countryside with an open rural character, where the policy seeks to protect such landscape character.
16. However, I also consider delivery of much-needed affordable housing in an area with proven and as yet unmet need attracts significant weight which outweighs the harm associated with the development of this site. There would be further opportunities for the impact of the proposed development to be considered at TDC stage and this would include design and landscaping, as well as the means by which the affordable housing could be secured long term.
17. In light of the fact that the proposal is for affordable housing and that there is proven local need for this specific type of housing, I consider it would be aligned to policy CGB2 of the eLP parts (d) and (e).
18. As such the proposed quantum of development is acceptable.

**Planning Balance**

19. The Council accept that it cannot demonstrate a five year supply of housing land (5YHLS). In these circumstances, the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged unless specific policies indicate that permission should be restricted. No such Framework policies are applicable to the appeal site.
20. The tilted balance requires that where the policies most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. I am mindful that until TDC is granted to achieve a planning permission, any PIP for any number of houses is incapable of meaningfully contributing towards the 5YHLS shortfall. Nevertheless, I have found that the proposal as an affordable housing scheme is aligned to policy CGB2 of the eLP.
22. As such, it is my view that in applying the tilted balance, the relevant adopted development plan policies are out of date. I have found that the proposals are capable of resulting in no more than moderate harm in relation to the character and appearance of the area. This harm does not outweigh the in-principle

significant benefits of delivering much needed affordable housing in such a location, when assessed against the Framework as a whole.

### **Other Matters**

23. I have considered the representations of third parties who raised concerns that the village is not a sustainable location. Whilst I concur that the village has very limited services and facilities, and I have no doubt the development would necessitate the use of the private car to access day to day facilities, the council have an emerging policy which now attracts some weight, which supports such affordable housing schemes in Category B villages, subject to there being evidence for such development. I have found that there is sufficient evidence to justify it.
24. Technical matters such as the impact on foul water disposal are not for determination as part of these proposals, for the reasons I have already given.
25. The potential to set a precedent for future development is also not a matter for me here. I am only obliged to determine the appeal proposals before me and have done so. This also applies to other simultaneous appeals elsewhere in the village which have also been determined independently.
26. Finally, I note the council's request to add informative notes should the appeal be allowed relating to timescales. Informative notes do not carry any legal weight and cannot be used in place of a planning condition. Moreover, the PPG sets out that it is not possible to impose planning conditions as the terms of any permission in principle must only include site location, type of development and amount of development. In any case, the default duration of permission in principle is 3 years, with any TDC to be determined within this period.

### **Conclusions**

27. For the reasons set out above, I conclude that the appeal should be allowed.

*Sian Griffiths*

INSPECTOR