



Appeal Decision

Site visit made on 1 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2022

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

Wrights Farm, Shillington Road, Pirton SG5 3QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hertfordshire County Council (Property) against the decision of North Hertfordshire District Council.
 - The application Ref 19/01275/OP, dated 20 May 2019, was refused by notice dated 11 January 2021.
 - The development proposed is erection of four dwellings following demolition of existing farmhouse and associated farm buildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading is taken from the Decision Notice and the Appeal Form, but I have omitted any superfluous information. This better reflects the scheme that is before me and that which the Council considered.
3. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the illustrative masterplan but have treated each element of the drawing as indicative, apart from the details of the access, when considering the likely impact of the proposal on the matters set out in the main issues below.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework, where relevant to my decision, and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
5. The Council has referred to the emerging North Hertfordshire Local Plan 2011-2031 (ELP). I understand that this is currently progressing through examination, Main Modifications have undergone consultation and the responses received have been reported to the Inspector. However, the extent of any unresolved objections to Policies SP1, SP2, SP5, SP9, SP13, CGB1, CGB4, D1 and HE1 of the ELP, referred to in this appeal, is unclear. The Council expect the ELP to be adopted later this year but, in accordance with the requirements of paragraph 48 of the Framework, these policies currently still attract limited weight in my consideration of the merits of this appeal.
6. The 2021 Housing Delivery Test (HDT) results were published on 14 January 2022. The latest results do not alter the Council's position, as the presumption in favour of sustainable development contained within paragraph 11 d) of the

Framework remains applicable. I have therefore not engaged further with the main parties in respect of this matter.

Main Issues

7. The main issues are whether the proposed development would preserve the setting of the listed building, known as 'Barn at Wright's Farm', its effect on the character and appearance of the area, including the Pirton Conservation Area and its setting, and its consistency with policies relating to housing in rural areas, with regard to the protection of the countryside.

Reasons

Setting, Significance and Site and Surroundings

8. North of the appeal site is the Barn at Wright's Farm, a tall barn of late 18th Century origin with a timber frame, dark coloured weather boarded exterior and plain tile roof. The barn was relatively recently designated a Grade II listed building and the listing description is extensive in its identification of its significance in the context of its architectural and historic interest. Moreover, it survives as a little-altered and substantially intact example of the region's vernacular building traditions and the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead.
9. Historic OS Maps show that much of the farmstead survived until the 1920s but it was comprehensively remodelled thereafter and the farmhouse was likely moved from the south-west corner of the steading to its current location, closer to Shillington Road. As far as it is relevant to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction.
10. The setting of the listed barn has changed over time, with little of its original form and layout of the farmstead remaining. Modern agricultural buildings of contrasting form and appearance have been constructed within the farmstead. The setting also includes the appeal buildings, given their proximity to the access to the barn, and the surrounding rural landscape predominantly formed of pasture and enclosed fields. A public footpath from Shillington Road crosses the appeal site and leads to Burge End Lane. While this affords views of the barn in the surrounding landscape, these are filtered by mature planting at field boundaries. Nevertheless, the farmstead remains prominent in its immediate surroundings, particularly from the public footpaths to the east and west.
11. The farm building to the north of the site is of a simple form and relatively low in the landscape, it is therefore reminiscent of many agricultural buildings found within the countryside. The farmhouse is also spaciouly arranged within its curtilage and partially enclosed by mature planting. While both buildings do not exhibit architectural qualities that make a positive contribution to the setting of the Pirton Conservation Area (PCA), the listed barn or the openness and character of the countryside, they are not harmful to them and have a neutral effect.
12. The initial part of the access drive to the site, to the rear of the gardens of the houses either side, is situated within the PCA. This is primarily focused on the High Street and the scheduled Toot Hill Motte and Bailey, but Shillington Road, Burge End Lane and the farms situated at the edge of the village are also included. Although there is variety in the architecture of buildings within the

PCA, they are generally of a high quality. Houses are arranged behind the street frontages, but there are fewer examples in Shillington Road, particularly to its northern side.

13. As far as is relevant to this appeal, the significance of the PCA today is principally derived from the considerably positive contribution made to its character and appearance by the arrangement of high-quality buildings set within mature landscaped plots. The open and undeveloped backdrop also contributes to the character and appearance of the PCA and the overall rural setting of the village. While the existing farmhouse is an outlier from the established linear form of development, it is set within a spacious and verdant plot, which provides a transition from the more densely arranged dwellings at the road frontage to the countryside beyond.

Effect on setting and character and appearance

14. The proposed dwelling closest to the listed barn could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building. It could therefore maintain the existing long-established cluster of built form projecting into the countryside. However, domestic paraphernalia and the inevitable noticeable presence of permanent residential occupation would be visually intrusive and reduce the positive contribution made by the openness of the site to the surrounding countryside. This would therefore be harmful to the rural setting of the barn and the PCA.
15. The indicative layout of the dwellings within the curtilage of the farmhouse would share similarities with the spacing of houses in Shillington Road, but their layout behind the linear frontage would not be akin to the established grain of development. They would also erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the PCA and the rural setting of the village. Conversely, the effect on the setting of the barn is likely to be limited given the grouping of the dwellings close to the existing houses in the village.
16. While the use of the access into the site and any alterations to it would not have a discernible impact on the character and appearance of the PCA, the form of development immediately beyond its boundary on the site of the farmhouse would be harmful to its setting. Overall, the proposal would therefore have a harmful effect on the setting and, thereby, the significance of both designated heritage assets.
17. The appeal scheme is indicative, so any implications of the scale and appearance of the proposed dwellings are currently unknown. Although a scheme of landscaping could be designed with the intention to mitigate against any visual harm associated with the proposal, clear views of the site and its relationship with the listed barn are available from the public footpath which passes between them. Therefore, in general terms, a scheme of landscaping would be unlikely to have matured enough in its initial years of development to mitigate the visual effect of the physical presence of new dwellings within the site. It would also take a significant amount of time for planting to reflect the established verdant field boundary planting in the vicinity.
18. I do not doubt that there will have been infill developments in the village, over time, but I have considered the individual merits of the appeal scheme before me in relation to the characteristics of the site and its surroundings.

Location of the development

19. The part of the appeal site encompassing the existing farm building to its northern end is situated outside the development boundary for Pirton, within one of the *Rural Areas Beyond the Green Belt* identified by Policy 6 of the NHDLP¹ and Policy CGB1 of the ELP. These policies require that development in such locations should be limited to rural workers' and affordable housing, rural economic development or diversification and community facilities or services. Policy CGB1 also suggests that development in relation to existing rural buildings will be granted, which links it to Policy CGB4. This requires that the resultant building does not have a materially greater impact on openness of the area. Given my findings above, the appeal scheme is not for any of the types of development in the countryside beyond the Green Belt that are considered acceptable by development plan and ELP policies in such locations.
20. The portion of the site encompassing the farmhouse and its curtilage is within the development boundary of Pirton, to which NHDLP Policy 7 and PNP² Policy PNP1 apply. The former is supportive of development where it maintains or enhances the character or visual quality of the village or the surrounding area. Meanwhile, the latter supports residential development within the development boundary of the village, subject to several criteria including the size and nature of housing. Given my findings in relation to the visual impact of the proposal, it would not meet the aims of these policies in respect of such matters.

Public benefits

21. The statutory duty in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight in respect of the setting of the listed building. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
22. The proposal would be harmful to the setting of the Grade II listed building and the PCA, which would have a harmful effect on their significance as designated heritage assets. The harm that I have identified would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
23. The appeal scheme would boost the supply of homes in the district and help to address the issues identified through the HDT Results. Despite the proposal being only for a relatively small number of homes, it could be built out relatively quickly, so I afford this benefit moderate weight.
24. The appellants also suggest the proposal would meet an identified local demand, as the need identified in the PNP could be factored into the scheme for Reserved Matters. However, as these details of the scheme are not certain, I am only able to assign limited weight to this benefit.

¹ District Local Plan No.2 with Alterations, originally adopted in 1996 (September 2007).

² Pirton Neighbourhood Plan 2011-2031.

25. Together with consideration of solar gain, heating, cooling and insulation, minimisation of waste during construction would reduce energy consumption within the development. Net gains for biodiversity through the provision of sustainable urban drainage ponds and other green infrastructure can also be secured through a Landscape and Ecological Management Plan. These would all amount to environmental benefits of moderate weight.
26. There would be short-term benefits to the local and wider economy from direct and indirect employment associated with the construction phase and future occupants would be likely to support local shops, services, and facilities. These would all constitute benefits in social and economic terms, but the magnitude of the proposal means these would be limited in scale and kind, so could only be afforded limited weight.
27. The facilities and services in Pirton can be reached by walking and Hitchin is accessible by bus, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
28. The Framework is clear that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. Part of the appeal relates to previously developed land and this would help to reduce the pressure on the countryside and the adjacent PCA, whilst also supporting growth within the district. Nevertheless, given my findings above, the proposal would not safeguard and improve its particular environment, a key component of the Framework's objective of making effective use of land. Similarly, addressing the potential impacts of decline associated with the absence of a current use of the site, should not be at all costs, as this should come in the form of a development that is of high quality and responsive to its context.
29. The retention of the listed barn is undoubtedly a key consideration, but the appeal scheme does not directly relate to it. While the proposal includes widening of the access track serving the barn, this is principally to serve the development and there is no substantive evidence that it would be required to sustain the listed building, as the existing farm access does not appear to differ from many others in terms of its width or its state of repair. Furthermore, there is no indication that the proposal would be enabling development in connection with works to the listed building. The fact that the appeal site and the listed barn are within the same ownership also does not provide any certainty that the barn would be safeguarded from harm associated with the proposal.
30. Taking the above together, while there would be numerous public benefits associated with the proposal to which I have afforded various weight, the harm that would be caused by allowing development, to the setting of the Grade II listed building and the PCA, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusions on the main issues

31. Despite my findings in relation to the effect of development within the PCA and the effect of the dwellings proposed within the settlement to the setting of the listed building, the part of the development situated in the countryside would have a considerably harmful effect on the setting of the listed building and, overall, the proposal would have a harmful effect on the character and

appearance of the area, including the setting of the PCA. This would bring the proposal into conflict with the locational aims in respect of housing in rural areas. Hence, while the part of the proposal within the development boundary for Pirton would accord with ELP Policy SP2, overall, the proposal would fail to accord with the aims regarding the impact of the location and design of development and its effects on heritage assets, as expressed by NHDLP Policies 6, 7 and 57, PNP Policies PNP1, PNP2 and PNP8, ELP Policies SP1, SP5, SP9, SP13 CGB1, CGB4, D1 and HE1, and sections 12 and 16 of the Framework.

32. While I accept that the location of the site beyond the development boundary would be close to services and facilities in Pirton, the purpose of development plan policies relevant to the location of development is to protect the character of the countryside and I have found harm in this respect. With all of the above in mind, I afford these conflicts with the development plan considerable weight.

Other Matters

33. The Framework stresses the benefits of early engagement and of good quality pre-application discussion and the appellants submitted the proposal following advice received from the Council. However, I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me.

Planning Balance

34. As I outlined in Procedural Matters, the HDT Results indicate that the so-called tilted balance approach to decision making should be engaged but, given my findings on the main issue, the conventional untilted planning balance applies.
35. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets.
36. There is agreement between the main parties in respect of accordance with relevant development plan policies, subject to relevant planning conditions, regarding highways, traffic, access, and parking; trees and landscape; ecology and archaeology. Furthermore, the layout and scale of the development are not yet known, so the potential effect on the living conditions of nearby occupiers are matters for future consideration. These matters would therefore neither weigh in favour nor against the appeal scheme.
37. In terms of harm, the proposed development would not comply with development plan policy in respect of the location of the development and its effect on the setting of the listed barn, the PCA and the overall character and appearance of the area.
38. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of considerable weight against the grant of planning permission that outweigh the claimed benefits.

Conclusion

39. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework,

which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR