

<u>Location:</u>	Wrights Farm Shillington Road Pirton Hitchin Hertfordshire SG5 3QJ
<u>Applicant:</u>	Ms Anna Mayers
<u>Proposal:</u>	Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping
<u>Ref. No:</u>	23/02838/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 May 2024

Extension of statutory period:

31 October 2024

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

1.0 Relevant Site History

- 1.1 19/01275/OP - Erection of four dwellings following demolition of existing farmhouse and associated farm buildings (all matters reserved except access) (amended description and plans received on 01/07/20 and 10/07/20) - Refused 11/01/21 for:
1. The proposal by reason of its type, location and visual impacts would be unacceptable in the Rural Area Beyond the Green Belt and would result in harm to the character and appearance of the locality. There would be additional harm to the setting and significance of designated heritage assets being a grade II listed building and

Conservation Area resulting in intrusive impacts and an inappropriate form of development. The proposal would therefore be contrary to Policies 6, 7 and 57 of the North Hertfordshire District Local Plan No. 2 with Alterations; Policies PNP 1, 2 and 8 of the Pirton Neighbourhood Plan; Policies SP1, SP2, SP5, SP9, SP13, CGB1, CGB4, D1 and HE1 of the emerging Local Plan; and National Planning Policy Framework Sections 12 and 16.

Appeal dismissed 22/02/22 it was found that there would be harm to the setting of the listed building and the character and appearance of the area including the setting of Pirton Conservation Area, and consequently that proposed development was found to be contrary to the Development Plan. The appeal decision can be viewed on the Council's Website in Public Access under application reference 19/01275/OP. Extracts from this decision will be quoted later in this report.

2.0 **Policies**

2.1 **North Herts Local Plan 2011 - 2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural resources and sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.2 **National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed and beautiful places
Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

2.3 **Pirton Neighbourhood Development Plan**

Policy PNP 1 - Meeting Local and Wider Needs
Policy PNP 2 - Design and Character
Policy PNP 4 - Hedgerows, Trees and Verges
Policy PNP 5 - Wildlife
Policy PNP 8 - Heritage Assets and Archaeological Heritage
Policy PNP 11 - Safety of Pedestrians, Cyclists, Equestrians and Motorists
Policy PNP 12 – Connectivity
Policy PNP 13 - Car Parking

3.0 **Representations**

3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 74 objections in total had been received. The objections received were on the following grounds:

- Has not overcome reasons of dismissed appeal.
- Site is subject to Crichel Down rules.
- Land needs to be offered back to the original owners or successors.
- Conflicts with “Managing Public Money” guidance.
- Outside the village boundary.
- Detrimental to the rural landscape.
- Contrary to the Neighbourhood Plan.
- In the Conservation Area.
- Harmful to the setting of the listed barn.
- No need for new houses to sustain the barn.
- Disproportionately large extensions.
- Inappropriate. Will degrade the barn.
- Large garage incompletely described.
- Within a Pirton Character Area.
- Transitional between village and countryside.
- Widening the entrance road an intrusion into rural character.
- Extra traffic, cumulative impacts from previous developments.
- Vehicle access inadequate. Safety concerns.
- A precedent must not be set.
- No need for new houses.
- Smaller houses are needed.
- Errors and inaccuracies.
- Impacts on chalk stream.
- Sewerage can't cope.
- Should be rejected, like other applications nearby.
- No guarantee that requirements of conditions are implemented.
- Neglected habitats should be restored.
- Biodiversity improvements inadequate.

- Little detail of biodiversity improvements.
- Construction traffic access.
- No surface drainage details.
- Lack of infrastructure.
- Potential asbestos.
- In an area of archaeological significance. More work required.
- Land crossed by footpaths.
- Barns and farmhouse not redundant.

One comment was received in support, on the following grounds:

- The site has been unused and derelict for 6 years.
- Haven for vermin, and drug-taking.
- Development modest.
- Provides the type of properties Pirton needs.
- Seems there is no option than to convert the listed barn.
- Nature of the access means further expansion not viable.

Consultees

3.2 Parish Council

The Pirton Parish Council objects to the grant of planning permission under both applications.

We take as our starting point the reasons for refusal of the Herts County Council Appeal (HCC) to the Planning Inspectorate (APP/X1925/W/21/3274765) which we support i.e. the effect on the setting and character and appearance of the Pirton Conservation Area: the harmful effect on the designated heritage asset that is the Listed Barn; and adverse impact on the openness of the site to the surrounding countryside (harm to the rural setting). We do not think that the current proposals overcome these objections.

(Full comments from the Parish Council are in Appendix 1 of this report).

3.3 Environmental Health/Protection

No objections.

(Full comments are in Appendix 1 of this report).

3.4 Hertfordshire County Council Countryside and Rights of Way

There is a Public Footpath (Pirton 012) which runs through the development site. The Footpath should be diverted so that it follows the walked line of the route along the southern side of the ditch that runs southwest to northeast – this is currently shown in the proposed site plan.

(Full comments are in Appendix 1 of this report).

3.5 Lead Local Flood Authority

As this is a non-major application, the Lead Local Flood Authority (LLFA) is not a statutory consultee however as there is an ordinary watercourse on site, we are pleased to comment.

It is difficult to comment further on the proposals in the absence of a drainage strategy drawing. We would be pleased to provide further comment upon receipt of more or updated information.

(Full comments are in Appendix 1 of this report).

3.6 HCC Archaeology

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

(Full comments are in Appendix 1 of this report).

3.7 HCC Highways Officer

Does not wish to restrict the grant of permission.

(Full comments are in Appendix 1 of this report).

3.8 Conservation Officer

Although of acceptable appearance in design terms, it is considered that the 2 x 3-bed dwellings would erode the spacious qualities of the plot, which contributes positively to the transition to the open and undeveloped backdrop of the houses within the Pirton Conservation Area (PCA) and the rural setting of the village. In addition, the two-storey overtly domestic appearance of the barn addition including 3no. dormer windows and chimney stack together with introducing 10no. new windows openings and 4no. roof lights to the grade II listed barn, will erode this building's significance as a late C18 timber-framed barn of vernacular construction. I have also commented below on the appearance of Plots 3 & 4.

I do not take the view that this is a high quality and responsive scheme, and that harm would be occasioned to the listed barn, its setting and to the character and appearance of the PCA. On this basis, I raise an **OBJECTION** as the scheme fails to satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. The public benefit would be to find an optimum viable use for the barn but I conclude that this on its own is insufficient to outweigh the great weight to be given to the less than substantial harm I have identified.

(Full comments are in Appendix 1 of this report).

3.9 NHDC Ecologist

This application would not be subject to mandatory Biodiversity Net Gain but should still be policy compliant in terms of NE4 in the North Herts Local Plan which calls for development to deliver measurable net gains for biodiversity and contribute to ecological networks.

(Full comments are in Appendix 1 of this report).

3.10 Historic England

In this case we are not offering advice.

4.0 Planning Considerations

4.1 **Site and Surroundings**

4.1.1 The site comprises an access road that leads to Wrights Farm, which is no longer in use. The northern cluster of buildings includes a Grade II listed barn, the only listed building on the site, and the subject of this Listed Building Consent application. The listed barn has a tiled roof and timber walls.

4.1.2 The other buildings in the northern part of the site are an unlisted modern barn, stables and a livestock building. A short distance to the south is a former livestock shed. A greater distance further south is a two-storey dwelling, the former farmhouse which is unoccupied. The site continues south down the access to where it joins Shillington Road.

4.1.3 The buildings to the north of the farmhouse are in open countryside, which has a rural agricultural character. This northern two-thirds of the site is in the Rural Area Beyond the Green Belt. The farmhouse and access in the southern third are in the Pirton Settlement Boundary (a Category A Village in the Local Plan), and are considered to appear as being within Pirton, albeit on the northern edge. The whole site is in the Pirton Conservation Area. A small number of dwellings are to the east and NE of the listed barn. The site passes over a stream where it turns NW after Building 2 (the site is in Flood Zone 1). A public right of way extends to the west of the site before crossing through it in a NE direction to the south of the listed barn.

4.2 **Proposal**

4.2.1 Planning permission is sought for:

Erection of 2 x 3-bed dwellings with detached single garages, 2 x 2-bed bungalows and conversion of Listed Barn into 1 x 4-bed dwelling with triple detached garage following demolition of existing farm buildings with associated hard surfacing and landscaping.

4.2.2 In more detail, the farmhouse in the southern part of the site would be demolished, and two detached two storey 3 bed dwellings with pitched roofs, each with a separate detached garage, would be sited on the same plot as the farmhouse. Each dwelling would have external parking, turning areas, and access onto the main access road.

- 4.2.3 Building 2 north of the farmhouse would be demolished, and two semi-detached 2 bed bungalows with pitched roofs are proposed, which would be sited partially over the footprint of building 2 and would extend further south. Each dwelling would have external parking, turning areas, and access onto the main access road.
- 4.2.4 Also proposed is a two-storey and single storey extension to the barn in association with its conversion, to create a four-bedroom dwelling. This would include external alterations to create new openings. The barn would be used as a dining room, kitchen, and family room. A triple garage with a pitched roof is proposed to the SW of the barn. The existing agricultural and equestrian buildings that are attached and near the barn would be demolished. The new dwelling would be accessed from the main access road, with parking and turning areas.
- 4.2.5 The proposal includes associated hard and soft landscaping, including front and rear gardens for the new dwellings, widening parts of the track, re-surfacing the first 50m of the track with tarmac, tree removal, new tree and vegetation planting, and diversion of part of the public footpath to the south. The plans also show some development out of the application site in blue-edged areas but is not considered to form part of the proposed development and will not be assessed in this discussion.
- 4.2.6 This application is accompanied by Listed Building Consent application for the extension and alterations to the listed barn, reference 24/00708/LBC.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The principle of the proposed development in this location.
 - The design of the proposed development and its resultant impact on the character and appearance of the area including on designated heritage assets;
 - The effect upon living conditions of occupiers of neighbouring properties;
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings;
 - The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.
 - The impact of the proposal on drainage and flood risk; and
 - Other matters.

Principle of Development:

- 4.3.2 The southern third of the site, up to the north boundary of the farmhouse, is within the settlement boundary of Pirton. In the Local Plan, Pirton is a Category A village under Policy SP2, where general development will be allowed within settlement boundaries. Such development includes the two new dwellings to replace the farmhouse, and the widening of the access road. These elements of the proposal are acceptable in principle and comply with Policy SP2 of the Local Plan.

- 4.3.3 The remainder of the site and the proposed development is outside of the settlement boundary of Pirton, and is in the Rural Area Beyond the Green Belt (RA). Policy CGB1 sets out what types of development are acceptable in the RA, which states:

In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.*

Part d) of CGB1 relates to Policy CGB4, which is:

- a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*
- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.*

Additionally, Policy SP5 states:

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We:

- d) Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.*

- 4.3.4 In assessing the proposed development against these Policies, the proposal is only potentially acceptable under CGB1 d), where it could relate to an existing rural building (CGB4).

- 4.3.5 With regard to CGB4, the proposed barn conversion and extension is not considered to comply with criterion (b) as the extension proposed would effectively double the size of the barn, considered to be a major extension that would not be subservient to the host building. The proposed triple garage would be an outbuilding and is considered subordinate to the proposed dwelling that would result from the barn conversion and extension under criterion (d) and is considered sufficiently close to the main building to not conflict with this criterion.

- 4.3.6 Criterion (c) of CGB4 stipulates that the resultant building(s) should not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s).
- 4.3.7 Continuing with the assessment of the proposed barn conversion and extension with separate garage, the extension and garage would more than double the size of the barn, numerous visible openings are proposed to the barn, along with a large outbuilding, parking area would spread out from the barn. The resulting development would have a large curtilage with a corresponding domestic use in a much larger area than the barn, which would intensify the use of the site. Openness is defined as the absence of development. There is a special and visual dimension to openness. The proposed scale and impacts of works to the barn and its surroundings would be relatively large and substantial and would be considered to have a materially greater impact on the openness of the RA in both spatial and visual terms.
- 4.3.8 The purposes or general policy aims of the RA asset out in Policy SP5, is one of restraint. The size, scale, siting and visual impacts of the proposed barn conversion, extension and outbuilding are not considered to be restrained when compared to the existing barn. This part of the proposal is therefore considered unacceptable in principle.
- 4.3.9 The remaining part of the development to be assessed as to whether it is acceptable in principle are the two proposed semi-detached bungalows, which would involve the removal of unused agricultural building 2, with the bungalows and associated new use of the land extending further south.
- 4.3.10 The proposed bungalows would be of a comparable footprint and size to the existing building but would change the use of the site and intensify the use, and would also be clearly visible in public views. These impacts would contrast significantly with the present building, which is agricultural in character and forms part of the larger group of Wrights Farm buildings. Due to these impacts, the proposed bungalows are considered to conflict with Policy CGB4 c) of the Local Plan, as they would have a materially greater impact on the openness, purposes and general policy aims of the RA.
- 4.3.11 The Inspector's Report of dismissed appeal following refusal of planning application 19/01275/OP are also considered materially relevant to the current application:

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.

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.

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.

- 4.3.12 That appeal was determined in February 2022, with the then emerging Local Plan adopted later that year keeping RA Policies CGB1 and CGB4 with similar wording. The scheme dismissed at appeal was a smaller development on a smaller site that did not include the listed barn, and was also outline not including detailed plans of new dwellings. The development now proposed would be on a larger site in the RA with more dwellings and the substantial barn conversion and extension and would be considered to result in greater impacts on the R A than the scheme dismissed at appeal.
- 4.3.13 The proposed development would result in greater impacts upon the Rural Area Beyond the Green Belt with resultant policy conflicts than the scheme dismissed on appeal, with the elements of the proposal outside the Pirton settlement boundary not acceptable in principle. The proposal does not comply with Policies SP5, CGB1 and CGB4 of the Local Plan, and Policy PNP1 of the Pirton Neighbourhood Plan.

Heritage, and character and appearance:

- 4.3.14 The whole site is in the Pirton Conservation Area. The barn that is proposed to be converted is a Grade II listed building. These are both designated heritage assets, and the proposed development is to be assessed as to how it affects their significance and setting.
- 4.3.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 4.3.16 Paragraph 207 of the NPPF states that when “determining applications, local planning authorities should take account of... the desirability of new development making positive contribution to character and distinctiveness”. Paragraph 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 213 of the NPPF sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification.

4.3.17 Paragraph 215 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

4.3.18 Policy HE1 of the North Herts Local Plan states:

Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;

b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and

c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use.

4.3.19 The Council’s Senior Conservation Officer (CO) has considered the application against the above local and national policies. The CO has provided detailed comments, ultimately objecting to the application, which is given significant weight due to the knowledge and expertise of the CO.

4.3.20 The CO has firstly commented on what are considered to be the key characteristics of this part of the Conservation Area and the listed barn, citing a paragraph from P20 of the Pirton Conservation Area Character Appraisal and Management Plan (March 2023):

The Wright’s Farm Barn [Figure 16] was designated as a Grade II listed building in 2020. Dating from the late eighteenth century, the barn is an important surviving example of regional vernacular architecture. As part of this appraisal, the Conservation Area boundary has been amended to include this barn and the other remaining buildings at Wrights Farm, including associated fields, within the Conservation Area. This means that the boundary now extends across the far northern edge of the village, whereby the Wrights Farm complex was previously excluded. This section of the village is known as Burge End, with the fields surrounding Wrights Farm having historical links to the agricultural heritage of the village. Within this complex of buildings, the listed barn is surrounded by buildings of a low architectural and historic value. Sensitive redevelopment of the site would be beneficial to the setting of the listed barn.

4.3.21 The CO has also referred to four relevant paragraphs from the Inspector’s Report of dismissed appeal 19/01275/OP. Whilst this is set out at Appendix 1, for ease of reference the Inspector stated:

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. (Para 11)

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. (Para 13)

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. (Para 14).

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. (Para 15)

4.3.22 Paras. 8 to 10 of the Inspector's Report provide a further assessment of the setting and significance of the barn itself, with key quotes here:

"8...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...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.

- 4.3.23 It is considered that the significance of the listed barn can be summarised as being from its architectural and historic interest, as a 17th Century timber-framed barn of vernacular construction, being a little-altered and substantially intact example of the region's vernacular building traditions, that is also the only remaining building from an earlier significantly more extensive parallel range of buildings with the farmstead.
- 4.3.24 The significance and setting of the part of the Pirton Conservation Area (PCA) and the setting of the barn is identified at paragraphs 11 and 13 quoted above. The Inspector goes on to state relating to the previous proposal:
- “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.”*
- 4.3.25 The spacious plot of the farmhouse in providing a transition from Pirton to the countryside beyond to the north, and the largely open and undeveloped backdrop of the northern two-thirds of the site including the listed barn, are some of the main characteristics of the significance of this part of the PCA.
- 4.3.26 Turning to the proposal itself, there are three main components – the two southern dwellings, the two bungalows, and the barn extension and conversion. The CO has commented on these separately in his report.
- 4.3.27 The CO has concerns relating to the number of new dwellings that would replace the farmhouse and Building 2, their siting and visual impacts, and some detailing and ancillary development such as external materials and driveways.
- 4.3.28 The CO has provided the comments in respect of the proposed barn conversion and extension development and has concerns relating to the size and scale of this part of the proposal, the design and overtly domestic appearance, and the external alterations to the barn itself resulting from the number of new openings proposed.
- 4.3.29 It is considered that the harm resulting from the development would be less than substantial. In this ‘less than substantial’ category, Plots 1 and 2 would result in moderate harm, Plots 3 and 4 would be low, and the barn conversion development would be moderate to high. Where harm would be less than substantial, as set out in para. of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The C O has considered that the optimum viable use is proposed, but the public benefits from the proposal do not outweigh the great weight that has been given to the harms identified.
- 4.3.30 The farmhouse at the south of the site is presently a residential use, therefore it is considered that this part of the site already has an optimum viable use. Former agricultural building 2 to be demolished has not been in use for at least 6 years, therefore a residential use through a conversion or replacement as is proposed, could be the optimum viable use for this building.

- 4.3.31 The CO has identified a public benefit as being an optimum viable use for the listed barn. It is also considered that public benefits would be the net addition of 4 new dwellings within the context of the Council not being able to demonstrate a five-year housing land supply.
- 4.3.32 In assessing these public benefits, the provision of 4 new dwellings would be modest. Whilst some weight can be given to the potential for a use of the barn, this is not considered to outweigh the significant and substantial impacts of the proposed conversion, alterations, extension and garage. The moderate public benefits are not considered to outweigh the harms identified to the designated heritage assets of the Conservation Area and the listed barn to which great weight should be attributed.
- 4.3.33 The impacts on the character and appearance of the locality are strongly related in this case to the harmful impacts identified above to the significance of this part of the Pirton Conservation Area, and to the character of the countryside outside of the Pirton settlement boundary. As harms relating to the above have been identified, the proposed development is considered harmful to the character and appearance of the locality.
- 4.3.34 The CO has not raised objections to the demolition of the existing buildings, therefore there are no objections to these. The dwelling mix is considered acceptable. The design of each individual dwelling and garage for Plots 1 and 2 are acceptable. These are neutral impacts rather than benefits, and do not overcome the harm that would arise from the proposed development. If permission was to be granted, conditions as recommended by the County Council Archaeologist would be imposed to ensure that potential remains of archaeological interest would be appropriately recorded.
- 4.3.35 The proposed development is therefore considered harmful to the significance and setting of the Pirton Conservation Area and the listed barn and would be harmful to the character and appearance of the site and locality. The proposal does not comply with Policies D1 and HE1 of the Local Plan, Sections 12 and 16 of the NPPF, and Policies PNP1, 2 and 8 of the Pirton Neighbourhood Plan.

Impacts on Residential Amenity:

- 4.3.36 The areas of the site proposed for the listed barn conversion, and the two new bungalows, are sufficiently far from the closest dwellings such that those parts of the development will not be harmful to amenity. The proposed access road widening will be within the site boundaries, some distance from the closest dwellings, and the two widened areas closest to dwellings in the south of the site will be small and largely obscured and will not be harmful.
- 4.3.37 The new Plot 2 dwelling would be a sufficient distance from the closest dwellings to the south that the amenities of occupiers of those dwelling would not be harmed. The Plot 1 dwelling would share its curtilage with Nos. 24 and 26 Shillington Road and would be visible from the rear of those dwellings. However, given the siting and size of the proposed dwelling it is considered that it would not appear overbearing or cause loss of light. No upper floor side windows are proposed for Plot 1; therefore, it would not cause loss of privacy. The increase in intensity of the use of the site is not considered harmful to amenity as most dwellings would be sited away from the closest dwellings, and Plot 1 would be set off the boundary on a site that presently has a residential use. The proposal is not

considered harmful to residential amenity. Therefore, the proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.38 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. This is largely reflected in Policies D1 and SP9 of the Local Plan.
- 4.3.39 Policy D1 of the Local Plan states that residential development should meet or exceed the nationally described space standards. The individual rooms and overall living space of the dwellings accord with or exceed these standards. Therefore, the internal living space proposed is considered acceptable.
- 4.3.40 Each dwelling would have its own private garden. The Local Plan does not specify minimum private and communal garden sizes; however, it is considered that these gardens would be of an acceptable size and quality to provide an acceptable and useable private amenity areas for future occupants of the dwellings.
- 4.3.41 Due to the siting of the proposed dwellings, it is considered that future occupants would not be adversely affected by uses, buildings, structures, trees and vegetation outside the site. It is also not considered that the new dwellings proposed would adversely affect each other in terms of visual impacts, being overbearing, loss of light, noise, and privacy. Living conditions for future occupants are considered acceptable. The proposal complies with Policy D1 of the Local Plan, and Section 12 of the NPPF.

Parking, Sustainable Transport, and Highways:

- 4.3.42 The Council’s residential parking standards are for dwellings with 1 bedroom to have one space minimum, and for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings would have two or more bedrooms and would have at least two parking spaces (with additional space in the proposed garages). The dwellings with three or more bedrooms would also comply with Policy PNP 13 of the Neighbourhood Plan by having three parking spaces.
- 4.3.43 Council minimum cycle parking standards are for 1 secure covered space per dwelling, with none if a garage or secure area is provided within the curtilage of each dwelling. The 3 and 4 bed dwellings would have cycle parking in their own garages, which is acceptable. The two bungalows would include a storage shed which can be used for cycle parking. Cycle parking is therefore acceptable.
- 4.3.44 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage. No allocated visitor parking is shown, however the driveways for each dwelling can accommodate at least one extra car above their own parking spaces, which is considered sufficient for likely visitors and is acceptable.

- 4.3.45 In the absence of objections from the Highway Authority it is considered that the proposed internal road and driveway arrangement is satisfactory and large refuse vehicles would be able to access all parts of the site required to reach refuse collection points by being able to turn around at a turning area near the listed barn.
- 4.3.46 The proposal includes little details of refuse collection arrangements, with only the Planning Layout drawing showing a bin collection point. However, this is annotated as being for the northern three dwellings but sited at the front of Plot 2, which is considered impractical as occupants of the northern dwellings are not likely to drag their bins there and back for each collection. The plots for each dwelling are however considered of a sufficient size for bins required, and sufficiently close to the access road for collection to be practicable, therefore if permission was to be granted, further details of bin storage and collection arrangements would be required by condition.
- 4.3.47 The main access drive would be primarily for vehicles with no dedicated pedestrian/cycling areas. This is not however considered objectionable as a public footpath exists that goes through the site, the development would be expected to generate only a small amount of traffic, and there have been no objections from the highways officer.
- 4.3.48 The existing public footpath would be diverted a short distance south of its present route and would link up with the rest of the path a short distance to the east of the site. While securing this legally involves a separate process, there are no objections in planning terms as the new route would be close to the existing.
- 4.3.49 Vehicular access to the development would be via the existing, with some trimming of vegetation at the entrance to provide visibility splays. The impacts of construction would be managed by a Construction Management Plan condition if permission was to be granted. Based on the absence of objections from the highways officer and the small amount of traffic likely to be generated the proposed development is considered acceptable regarding parking provision, layout, and impacts on the public highway network. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and Landscaping:

- 4.3.50 Three trees are proposed to be removed, which are all small and not considered to be of such significance that they should be retained. Their losses would in any case be more than compensated by proposed new tree planting. It is not considered that the development would result in future pressures for tree removal or lopping.
- 4.3.51 The development includes new hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces and boundaries have not been specified; however, it is considered that they can be required to be so by condition if permission was to be granted. Details of soft landscaping and planting would also be required by condition if permission was to be granted. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1, and NE2; and Sections 12 and 15 of the NPPF.

Ecology:

- 4.3.52 The application was submitted with an Ecological Appraisal (EA) report, which found evidence of bat roosting in some of the buildings, that birds may nest in the site, and hedgehogs and polecats may also be present in the site.
- 4.3.53 The EA recommends mitigation measures in respect of these species and their habitats. The EA also states that there would be a biodiversity net gain in habitat and hedgerow units. The Council's Ecologist does not dispute the Appraisal, which is given significant weight. The Ecologist has also recommended Conditions be attached to any permission granted relating to the construction of the scheme, bats, and a landscape and ecological management plan. This is considered an acceptable approach. Impacts on ecology are considered acceptable. The proposal complies with Policies SP12 and NE4 of the Local Plan, and Section 15 of the NPPF.

Drainage and flood risk

- 4.3.54 The site is in Flood Zone 1; therefore, the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site.
- 4.3.55 The application was submitted with a Drainage Strategy and an Outline Drainage Assessment. The Lead Local Flood Authority (LLFA) have commented on the application, have not objected, although they have suggested further information be provided. As the proposal is of a small scale on a small site, it is considered that if permission was to be granted that the further details requested by the LLFA can be required by conditions, which should ensure that drainage would be satisfactory. The proposal therefore complies with Policy NE8 of the Local Plan and Section 14 of the NPPF.

Other matters

- 4.3.56 A large number of objections have been received from residents, most of which have been addressed elsewhere in this report. Safe removal of asbestos is dealt with separately outside of the planning system. The development is not of such a size that contributions towards infrastructure are required. It is not considered that the development would adversely affect the chalk stream referred to by some of the neighbour comments due to the siting of the development in relation to it. The Environment Agency and Natural England have not commented on the application, and it is considered that if permission was recommended to be granted, that appropriate planning conditions could be used to require further details of impacts and mitigation measures if required.
- 4.3.57 Many of the objections refer to Crichel Down rules (CDR), which are non-statutory rules / guidance that regulate the disposal of surplus government land in England that has been identified for disposal being discretionary for local authorities in the absence of a ministerial power of direction, rather than planning matters which are primarily concerned with the use and physical development of land. A non-statutory 2024 Guidance on the Crichel Down Rules states that local authorities are recommended to follow the CDR.

- 4.3.58 In this application, Hertfordshire County Council (HCC) is the applicant and land owner. The land ownership certificate on the application form is considered correct as of the date of submission of the application, i.e. that HCC are the landowners. In the objections, it is stated that the land was acquired by HCC from the family of Sarah Eva.
- 4.3.59 Some of the more detailed objections state that in 2014 Wrights Farm was no longer in use by HCC, and it became surplus. The objections further state that in 2017, HCC declared that Wrights Farm was surplus; and in that 2019, an HCC Cabinet meeting reached the decision that Wrights farm was surplus and to be disposed of subject to their own conditional rules regarding approvals and processes. The objections state that the publicly available minutes of this Cabinet meeting make no mention of the CDR.
- 4.3.60 Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. In respect of CDR, the adopted Local Plan does not contain any Policies relating to it, neither does the Pirton Neighbourhood Plan or the NPPF. Previous application 19/01275/OP and the dismissed appeal were able to be determined independently of CDR, with correspondence from the planning case officer on that file stating that CDR wasn't relevant to the planning application. No case law is evident that identifies CDR as a material planning consideration.
- 4.3.61 CDR is a separate matter to the determination of this planning application not unlike a legal covenant placed on an area of land or some other property rights. CDR is therefore not considered to be a material consideration in the determination of the application.

Climate Change Mitigation:

- 4.3.62 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.
- 4.3.63 To assist in achieving these aims, Electric Vehicle Charging points will be required by condition to be installed on each of the proposed new dwellings if permission was to be granted. The application was not submitted with details of energy saving measures or renewable energy generation. While some efficiencies could potentially be required through building regulations compliance, it is considered that if permission was to be granted, a condition would be imposed requiring the submission of details of energy saving and renewable energy generation, which would then need to be agreed by the LPA.

4.4 Balance and Conclusion

- 4.4.1 Under the provisions of the recently revised National Planning Policy Framework the Council does not have a 5-year supply of deliverable housing land. Therefore, the tilted balance under the provisions of Paragraph 11(d) would apply. However, as it has been found that policies in the Framework relating to the conservation and enhancement of designated heritage assets provides a strong reason for refusing the development proposed, the tilted balance requiring any adverse impact of granting planning permission significantly and demonstrably outweighing the benefits is not engaged.

4.4.2 It is considered that the benefits that would arise from the proposed development would not outweigh the harm to the character and appearance of the countryside and therefore conflict with development plan policies and NPPF policies that seek to protect the character of the countryside. In addition, the identified public benefits of the proposed development would not outweigh the less than substantial harm identified to the significance of designated heritage assets and therefore the proposed development would not comply with the relevant policies of the adopted Local Plan policies and the NPPF and therefore it is considered that planning permission should be refused.

4.5 **Alternative Options**

4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission is resolved to be **REFUSED** for the following reasons:

1. The proposed development by reason of its size, scale, layout, design and appearance, will be harmful to the Rural Area Beyond the Green Belt and is not acceptable in principle. The proposal does not comply with Policies SP5, CGB1 and CGB4 of the Local Plan, and Policy PNP1 of the Pirton Neighbourhood Plan.
2. The proposed development by reason of its size, scale, layout, design and appearance, will be harmful to the significance and settings of designated heritage assets, and to the character and appearance of the locality. No public benefits are apparent to justify these harms. The proposal does not comply with Policies D1 and HE1 of the Local Plan, Sections 12 and 16 of the NPPF, and Policies PNP1, 2 and 8 of the Pirton Neighbourhood Plan.

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.