

## **Appendix 1 – Planning Application 23/02838/FP**

### **Pirton Parish Council comments**

Thank you for consulting the Pirton Parish Council on these two planning applications.

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.

The site is now within Pirton's Conservation Area. The majority of the site is outside the Pirton Development Boundary. No good argument has been made by the Applicant as to why development here should be permitted outside of the Development Boundary, particularly as the proposals do not meet any of the exemptions to the Local Development Plan policy against development in rural areas outside of the Green Belt.

### **Highways**

There are significant Highways issues, raised by HCC Highways which objects to the grant of planning permission. We support the objections of HCC Highways.

### **Biodiversity and Ecology**

The proposals for the improvement to the biodiversity and ecology of the development site, and, indeed, the whole of the Wright's Farm site, are to be welcomed. However, much of Wrights Farm is not included in this planning application. It is not at all clear to us how the proposals by HCC affecting areas outside of the planning application(s) can be enforced, (should HCC sell the land, or indeed retain it without carrying out these improvements). During discussions with HCC in December 2023, it was suggested by HCC that the proposals for areas outside of the area included in the planning application might be secured under a Sec 106 agreement, or by planning condition. In the event that the whole of Wrights Farm being sold, again a suggestion by HCC is that the buyer would be vetted and would need to agree to act in accordance with HCC's proposals. We feel very strongly about this issue, as the "greening" of the land not subject to the application is, nonetheless, an important feature of the application. We have experienced too often how proposals change after the grant of planning permission, particularly where the land is sold on and a fresh application is made by new owners; see Cotman End, Walnut Tree Road, Pirton.

Additionally, the Ecology report of 2023 does not deal with the issue of how the Washbrook chalk stream will be affected, if at all, by these proposals. In spite of meetings between residents and HCC, and the Parish Council and HCC, absolutely no notice has been taken of the potential chalk stream – The Washbrook – that runs through the site. The historic record shows that this is a

stream which rises from a spring located on the Pirton/Shillington boundary, one arm flows east to feed the moats around Rectory Manor, then towards Wrights Farm, and is replenished by another spring on the north west corner of the site. Before the use of field drains throughout the site, and the extraction of water from the aquifers, this was a very wet area of Pirton, the original medieval farmhouse being moated (amongst other moated houses in the area). The stream was so full flowing that it turned a small water mill by the Listed Barn. It is only in very modern times that the flow has decreased for the above reasons. There is every reason to designate this as a chalk stream and to revitalise it as such.

We raise here our concern that the proposals for the use of septic tanks for the disposal of sewage may have an adverse impact on the chalk stream in the event of overflow /leak of untreated sewage from the tank. Any septic tank needs to be placed a considerable distance from the chalk stream; the current proposals place them very close to the stream.

### **Archaeology**

There are no fresh proposals regarding Archaeology. The last report of a preapplication evaluation is now 6 years old, and does not cover much of the area proposed for construction, particularly regarding the Listed Barn and historic water mill. Both the interior of the Listed Barn and land external to the Listed Barn should be fully excavated by hand to recover the full history of its use and age. The floor of the barn in any event will need to be dug up for the installation of utilities, and so any excavation should be done archaeologically to retrieve the maximum information. There will be no second chances. Likewise, the historic map evidence for the Water Mill is clear. The area of the water mill should be carefully excavated by hand for the same reason. The usual conditions for a Written Scheme of Investigation and subsequent work should be imposed.

### **The Existing Farmhouse Site.**

There are no objections in principle to the development of this part of the overall site, as it is within the Pirton Development Boundary, provided it meets also PNP2 regarding design, materials, respect for the local character etc. The number of dwellings proposed for the site has been reduced from three to two, presumably to address the objections from the Planning Inspector. They will be of three bedrooms, which meets PNP 2 of the Pirton Neighbourhood Plan. However, there is no clear information about the proposed heights of these properties, which is crucial in making a considered judgement on the impact of these dwellings on the openness of the countryside/rural setting, bearing in mind that it is a transition area from village to countryside. We remain surprised that HCC has never heeded the observations of Simon Ellis, former head of Development and Conservation, when giving pre-application advice as long ago as January 2019 which was for HCC to consider modest bungalows for this site.

### **Barn/Stables Site**

The proposal here is for two modest semi-detached bungalows, using materials that will make them look like timber barns. Apart from this constituting residential development outside of the development boundary, (see above), it will simply not be possible to disguise the actual use of the buildings, not least because they will be surrounded by, as the Planning Inspector put it, all the paraphernalia of domestic dwellings e.g. car parking, shed, waste bins, and so forth.

### **Listed Barn**

Something needs to be done to ensure the long-term future of the Listed Barn. This is not it. The result of the proposals will be of extensions dominating the listed barn. The scale of development proposed is not at all in keeping with the modest size of the listed barn. The proposed extensions are clearly of greater square meterage than the original Barn, and in places being of two storeys, completely dominate the original barn. The design proposal does not meet the criteria usually applied to barn conversions.

### **Surface Water Drainage**

The proposals in the Drainage Report are to channel surface water into what the writers call a watercourse, which they have identified from plans and aerial photographs. This "watercourse" is the Washbrook as it runs through the site, and in our opinion, a chalk stream (see above). Contaminated water from runoff should not be diverted into the chalk stream. There is no indication that the Local Land Flood Authority will agree to this in any event, so that the application should fail on this point also.

In conclusion, there are still too many unanswered issues that prevent, in our view, this application from being granted.

### **Environmental Health/Protection comments**

Thank you for consulting Environmental Protection on this application.

This application appears to be an amended application to the previously submitted (and refused) 19/01275/OP. I have no objections to the proposals but make the following comments as follows.

#### **Contaminated Land:**

The Environmental Protection and Housing Team have no objections to the proposed development in relation to land contamination.

The application is supported by a phase 1 land contamination assessment which concludes that a phase 2 intrusive investigation is required (and potentially subsequent works). I recommend conditions to secure these additional works as set out below.

Also, the application involves the demolition of existing buildings, and there is the potential for the presence of asbestos-containing materials within these buildings (roof materials). Therefore, I would be grateful if you could include the following informative with any permission which may be awarded for this application:

Land Contamination conditions:

No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted RPS Group Ltd report dated December 2023 (Ref: JCG 25986), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

#### Land Contamination informative

Please ensure that all due care and attention is taken during demolition of the abovementioned building. Particular care should be taken during removal of any material considered likely to represent a hazard to human health or the environment, in particular any asbestos-containing material.

Reason: To ensure that any materials which are hazardous to health are dealt with in a manner that safeguards human health.

#### **Noise:**

The Environmental Protection and Housing Team have no objections to the proposals in relation to noise and other nuisances.

#### **Local Air Quality:**

North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning>

Application of the guidance to a development of this scale (erection of 5 dwellings) and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

#### EV Recharging Infrastructure Condition

Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

#### **Hertfordshire County Council Countryside and Rights of Way comments**

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 south west to north east – this is currently shown in the proposed site plan.

Careful consideration should be given to the safety of users of the public Right of Way whilst works are ongoing. If there is a need to close the route for safety reasons, then a Temporary

Traffic Regulation Order must be applied for and granted before any works take place or the path obstructed/closed.

The works on site should take public safety into careful consideration. The public footpath (Pirton 012) should remain open and unobstructed at all times. If it becomes necessary to close the path for safety reasons, then a Temporary Traffic Regulation Order must be applied for and granted before any such works can take place.

Additionally, the definitive route of Footpath 012 on the map and the actual walked line differs slightly. It would be a benefit to users for the Right of Way to be diverted so that it follows the walked path – along the south side of the ditch that runs south-west to north-east through the site, instead of the north side where it is currently marked on the Definitive Map. Diverting the route alongside the planning process would tidy up the route, protect the current used route for users, and would avoid possible complications in future if the current used route were to be claimed as an additional Right of Way.

The boundary to either side of the Right of Way shown in the plan is a positive aspect of the planned development, the surface of the path should be improved to a standard suitable for the semi-rural location – an improved unsealed-surface in line with HCCs Non-Motorised Routes guidance (available on request) should be provided as well.

Where the road into the site crosses over the footpath, care should be taken to ensure that proper sightlines are available, and a structure such as a raised table should be provided to highlight the priority of the Footpath users and encourage vehicles on the road to slow down.

### **Lead Local Flood Authority comments**

Thank you for your consultation on the proposed 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.

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.

We have reviewed the Drainage Strategy prepared by WSP reference 0037568.7094-WSPE-XX-XX-RP-C-0001-P01, dated 18 October 2024.

### **Drainage design**

We understand the design has been updated to use an offline detention basin, with discharge restricted to 2l/s. Filter drains are proposed adjacent to the access road to provide surface water capture, conveyance and treatment.

We would advise the LPA that while the proposed detention basin will provide 160m<sup>3</sup> of attenuation storage, it will be dry most of the time. We are supportive of the proposed 1:3 side slopes and 300mm freeboard. As an offline feature (meaning surface water flows will not ordinarily be conveyed through the basin but will “back up” to it during more severe storms), the basin will provide limited benefits in addition to the surface water attenuation. We recommend that the design could consider a permanent water level in the basin which could provide biodiversity benefits through an appropriate planting regime, as well as enhanced amenity value.

We have no objection to the proposed use of grasscrete however would stress the importance of keeping it maintained. If insufficiently maintained, grasscrete can become compacted and effectively impermeable.

We note that the red line boundary on the latest drainage strategy excludes the detention basin. In the previously reviewed drainage strategy prepared by Wood, the red line boundary did include the basin. We highly recommend that the LPA consider whether the basin should be within the red line boundary, as creation of a basin is likely to constitute engineering works that may require planning permission. If the basin will be located outside of the red line boundary, it is critical that the land including the basin is legally secured such that it cannot be removed for the lifetime of the development.

We would highly recommend that retrofit-style SuDS are considered in the design, and we welcome the use of filter drains. The proposed plots could be served by SuDS planters at the end of downpipes to provide a further element of surface water attenuation and treatment at source, as well as benefits to amenity and biodiversity. Similarly, tree pits and rain gardens could be used on site to provide further benefits to surface water management.

### Ordinary watercourse

It is unclear if the risk of flooding from the ordinary watercourse itself has been considered – although it does not have formally recognised flood zones like a main river, it is likely to have its own flood plain which should be considered. Mindful of the proximity of the basin to the watercourse, it is important to ensure that the basin would not become compromised by flood waters from the ordinary watercourse during rainfall, which could prohibit the rest of the site from draining.

Discharge to this watercourse is acceptable in principle however all runoff and particularly road runoff must receive multiple stages of treatment preferably using source control SuDS such as permeable paving or a swale, then through the site control attenuation basins. We welcome the water quality benefit provided by the filter drains and the basin, however not all runoff will benefit from both stages of treatment as the basin is offline. Accordingly, we recommend that clarification is provided to confirm how suitable surface water treatment will be provided. The LPA may wish to consider that this site is not likely to experience significant vehicle movements.

Please note that there is a requirement for Land Drainage Consent under the Land Drainage Act 1991 before works to the ordinary watercourse can take place.

### Calculations

We thank the applicant for providing updated calculations using FEH2013 and CV of 1. We note the applicant states that a 35% allowance for the 1 in 30-year event has been applied, but it seems the calculations for this return period are missing.

Please note if the LPA decide to grant planning permission, we wish to be notified for our records.

### HCC Archaeology comments

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

As previously advised on planning application 1/19/1275/OP, the proposed development

is located within an Area of Archaeological Significance, as identified in the Local Plan. The present buildings of Wrights Farm stand to the north of a partly infilled medieval moat which once surrounded an earlier farmhouse (known as Haxham's when it was sold in 1879, and demolished in about 1968). The farm buildings include one surviving premodern building, a tiled barn which dates to the 18th century or earlier.

Supporting documentation submitted with this application include an archaeological deskbased assessment (Land at Wrights Farm, Pirton, Hertfordshire, CgMs 2018), and a report on the recent pre-application trial trench evaluation of the site, by Headland Archaeology (Wright's Farm, Pirton, Hertfordshire. Archaeological Evaluation, May 2019).

The evaluation comprised six trial trenches located both in the farmyard, and adjacent to the modern farmhouse. A number of features were identified that contained archaeological deposits dating from the Roman to post-medieval periods. Two features which may date to the early Roman period were recorded in Trench 2 (though they may indicate activity in the near vicinity) and a number of features in Trenches 1, 2 and 5 containing medieval pottery and roof tile suggest occupation and activity at Wrights Farm from at least the 13th century onwards. This supports the suggestion that the postmedieval farmstead has medieval origins.

The evaluation trenches have also established that despite the presence of modern made ground in Trenches 2, 3 and 4 moderately well preserved archaeological remains are present on the site. Features of possible Roman, and medieval date were present at relatively shallow depth, and the development is likely to have a significant impact upon them.

The site therefore has very high potential to contain archaeological remains dating to the medieval and post-medieval periods. It also has moderate potential to contain archaeological remains dating to the Roman period.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological historic building recording of the listed barn, to Historic England Level 3, prior to any development taking place;
2. The archaeological investigation, via 'strip, map and sample' to the archaeological horizon, of the footprints of the proposed new dwellings, and of any areas subject to significant ground reduction. This should occur prior to any development taking place and include a contingency for the preservation of any remains encountered;
3. the archaeological monitoring of all other groundworks related to the development, including driveways, service trenches, hard landscaping, sustainable drainage systems, and all other ground impact, including a contingency for preservation or further excavation of any remains encountered;
4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
5. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 211, etc.) of the National Planning Policy Framework. 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. I suggest the following wording:

*A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

*B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

*C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

### **HCC Highways Officer comments**

#### **Recommendation**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

#### **Condition1: Access Arrangement and Footway**

Prior to the first occupation the development hereby permitted the vehicular access arrangement and footway as indicated for improvement on drawing number (Ref-ST3601-700A) shall be completed with full satisfaction of LPA in consultation with the highways. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).



**Condition 2: Footway 12 Diversion:**

Prior to the first occupation the development hereby permitted the existing Footpath 12 shall be relocated as indicated on the proposed drawing (Ref- ST-3601-701) and Definite Map must be upgraded accordingly with full satisfaction and consultation with LPA and HCC's RoW team.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 –116 of the NPPF (December 2023) and Policy 1, 7 and 8 of HCC's LTP4

**Condition 3 Visibility:**

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Ref- ST3601-700A) The splay shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3

**Condition 4: Construction Management Plan**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:

- Construction vehicle numbers, type, routing;
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking);
- Cleaning of site entrances, site tracks and the adjacent public highway
- Demolition and removal plan for the existing house
- Timing of construction activities to avoid school picks up/drop off times;
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway

Reason: In order to protect highway safety and the amenity of other users of the public highway

**COMMENTS:**

Further to my refusal recommendation comments provided on 25/04/2024, the applicant submitted a set of additional documents including Transport Note (Ref- ST36-1/TN2406) for highway consideration.

Additional documents include, 'Transport Note (Ref- ST36-1/TN2406)' 'Stage 1 Road Safety Audit Report', Tracking diagram for private refuse collection vehicle and delivery vans and proposal for relocation of the Footpath 12 etc.

This is a full planning application 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. The application site has previous planning history (Ref-NH/168/2019 -LPA Ref- 19/01275/OP) which was refused by the NHDC.

The key documents used to assess the application are;

- National Planning Policy Framework (Dec 2023).
- Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018]
- HCC's Place & Movement Planning Design Guidance adopted in March 2024
- Manual For Street (MfS1 2007)
- North Herts Local Planning policy [2011-2031]

The application site can be accessed via a private track road off Shillington Road in Pirton. Shillington Road is designated as an unnumbered classified local access road type-C, subject to a speed limit of 30mph and is highway maintainable at public expense.

#### HIGHWAY IMPACTS:

##### 1.Vehicular Access and Access Road

Para 4.1 of the Transport Note states that a shared surface for the first 20m from the main access with Shillington Road along the existing unadopted private track road will be provided. The proposal also includes to provide few passing bays to ease crossing two cars and a 1.2m wide footways along this private track road. The full access arrangement is shown the drawing (Ref ST3601-700A) which is much better that previous and this arrangement ensures that the minimum width 3.7m is provided for emergency vehicles movements. The Highway Authority considers that this access arrangement will be acceptable in the highway terms. A condition-1 is recommended to make sure that this arrangement is fully implemented before first use of the development.

##### 2.Accessibility for Large Vehicles (refuse collection and delivery vans)

Para 4.4 of the Transport Note confirms that a private provision is made for on-site refuse bin collection and a swept path analysis is submitted for an 8.5m long vehicle. However, refuse collection arrangement is a matter of the Local Planning Authority need to agree with the application whether this private arrangement is acceptable.

##### 3.Footpath 12 Relocation:

The existing Public Footpath 12 runs across the application site from through the application site from Shillington Road to Burge End Lane. In para 4.9 of the Transport Note says that "The proposal is to create a 6m corridor for the footpath as it crosses the site. Therefore, a diversion of Footpath 12 is necessary to ensure the Definitive Map matches the actual alignment of the footpath, as in practice. The proposed alteration is shown in the drawing Proposed Public Right of Way Alteration ST-3601-701, as attached to this document".

The fact that the Definitive Route runs through part of the ditch and is likely to be difficult to reinstate means that there will be a stronger case for diverting the route. There is no guarantee that a Definitive Map Modification Order application will be successful, and it costs money and takes time. However, moving the Right of Way requires the completion of a formal legal process, as well as cost, and there is no guarantee that the application will be successful.

The Highway Authority recommends that the applicant applies for a Definitive Map Modification Order under the Highways Act 1980 (S119) to divert the footpath onto the proposed route. An application under the Highways Act 1980 would be the most feasible option to divert the footpath (please see link below). More information about how the process works can be found on our website here: [Diversion, creation, extinguishment and modification applications | Hertfordshire County Council](#)

As for the road crossing, we would like to see a raised road surface where the road crosses the footpath and good sight lines in both directions, this will highlight the priority of the existing Right of Way and encourage road users to slow down. I would expect that the development would deliver a safe crossing point and diversion of the footpath, perhaps

improving the surfacing and width of the footpath outside the development boundary and other links in the area.

#### 4. Visibility:

The submitted stage 1 Road Safety Audit report for the main site access with Shillington Road raised concerns about visibility. The applicant has accepted these issues and agreed to resolve. Therefore, a condition 3 is recommended to provide the required visibility as recommended in RSA and shown on the drawing (Ref ST3601-700A)

#### 5. Vehicle Parking

It has been considered that the parking provision as shown the drawing (Ref-ST3601-700A) is acceptable the highway terms. However, North Herts District Council is parking authority to determine the level of onsite parking for any development.

#### 6. Traffic Generation

TRICS outputs are provided in the table 3.1 which show that there will be three two-way trips in both the AM and PM peaks due to the proposed development. With the context of current usage, the proposed development of five dwellings would not have a significant impact on the local highway network.

#### 7. Cycle Parking:

The plans fail to show any cycle parking shelter / store on site. The provision of well-located, safe, and secure cycle parking for residents and visitors is a key factor in encouraging people to cycle as an alternative to using the private car. In accordance with the adopted NHDC standards at least one long stay (residents') spaces should be provided per dwellings for residents. It should be in the form of lit, lockable, and weather resistant cycle lockers or stores and be sited away from bin stores.

#### 8. Conclusion:

In summary, Hertfordshire County Council as Highway Authority has considered that the proposal would not have significant impacts on the safety and operation of the adjoining highways. Therefore, HCC has no objection to the proposal on highway grounds subject to approval of the following conditions and information listed in the beginning.

### **Conservation Officer comments**

#### **1.0 Recommendation**

- 1.1 In determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 203). Furthermore, great weight should be given to the conservation of Designated Heritage Assets (para 205, NPPF) and any harm to, or loss of, the significance of a designated heritage asset from development within its setting requires clear and convincing justification (para 206).
- 1.2 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.

- 1.3 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.

## 2.0 Introduction

- 2.1 The barn at Wrights Farm is grade II listed (added to the Statutory List on 29.01.2020 – see Appendix A). The barn was previously located outside the PCA but is now included and at page 20 of the Pirton Conservation Area Character Appraisal and Management Plan (March 2023) (“PCACAMP”) prepared by Place Services, the following is noted (my highlights in bold):

*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.***

- 2.2 Furthermore, at page 65 of the PCACAMP under the subheading ‘Opportunity Sites’ it says:

*There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. Sites which may provide opportunity for enhancement include those where premises or buildings are empty, back land areas or corner plots.*

*Wright’s Farm, in the northern section of the Conservation Area, would benefit from some form of sensitive redevelopment which allows for the reuse of the listed barn. A masterplan for the site would be highly beneficial, which should be informed by a heritage statement which considers the significance of the barn, remaining structures and their setting.*

- 2.3 The area and the building are designated heritage assets for the purpose of applying the aims of Section 16 of the NPPF.
- 2.4 Although the Conservation Team were not consulted on ref: 18/02904/PRE for ‘Residential development and barn conversion’, I note the following in the case officer’s response (once gain my highlighting in bold):

*PNP2 states that any development should consider the distinct local and rural character of the village, and that developments to the edge of the village should ‘maintain a mix of open spaces, trees and varied housing layout’ to retain a soft edge to the village. As no detailed elevation plans have been submitted, I cannot provide detailed comments on the design merits of the scheme. **However, should the existing 18th Century barn be converted, we would support sensitive alterations to enable this.** For example, retention of historic*

features and fittings, with appropriately positioned openings. Glazing to the upper parts of the barn including rooflights should be avoided, or sensitively designed.

**Erecting dwellings of an appropriate massing and scale, detailed design, and relationship to the surrounding area would be supported**, in accordance with Policy D1 of the emerging Local Plan, and Section 12 of the NPPF. Consideration should be given to the setting, partly beyond the village boundary, and bordering on the Conservation Area to the south.

2.5 However, I provided comments under ref: 19/01275/OP for '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)' and which was dismissed at appeal on 22 February 2022.

2.6 The appeal decision provides to an extent, a 'framework' for what may be considered an acceptable form of development on this site, and I refer to the following:  
**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)

2.7 Below is the scheme considered under ref: 19/01275/OP indicating four dwellings to the south of the barn. The listed barn sits to the north and beyond the application site and the Inspector describes the barn 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". The Inspector continues by stating that "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".



### 3.0 The Local Plan and NPPF

3.1 I have been consulted on the heritage merits of this case, and I leave other policy matters to the case officer. It is important, however, to evaluate the significance of the barn and that the proposals are considered in the context of Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and government policy guidance including the following paragraphs of the NPPF (Dec 2023 version):

- **200** (local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting)
- **203** (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. desirability of new development making a positive contribution to local character and distinctiveness),
- **205** (great weight should be given to the asset's conservation),
- **206** (clear and convincing justification), and
- **208** (harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use).

### 4.0 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.

4.1 Below is the scheme currently under consideration and which now includes the barn. Four dwellings continue to be shown to the south of the barn. There are essentially 4 development sites: Plots 1 & 2, Plots 3 & 4, Plot 5 and the stable range.



4.2 Looking at Plots 1 & 2 first, whilst I note this is the site of the existing later-built farmhouse and whilst the existing dwelling has a neutral impact upon the character and appearance of the area, I am unconvinced that replacing this building with two albeit, in my opinion, better designed dwellings is entirely appropriate here. The doubling up of driveway access points, garaging and bin storage etc and reduced rear garden curtilages is such that this has a significant impact upon the character of the site. Considering the Inspector's comment that the previously proposed three 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 PCA and the rural setting of the village", I am minded to suggest the following:

- Seek to retain a more spacious character by changing from the 2 x 3-bed proposal to perhaps a 1 x 4-bed with double garage parking i.e. a better singular designed version of what exists.

4.3 The above would also maintain the narrative of a 'farmhouse' rather than 'farmhouses' at the gateway to this former agrarian site.



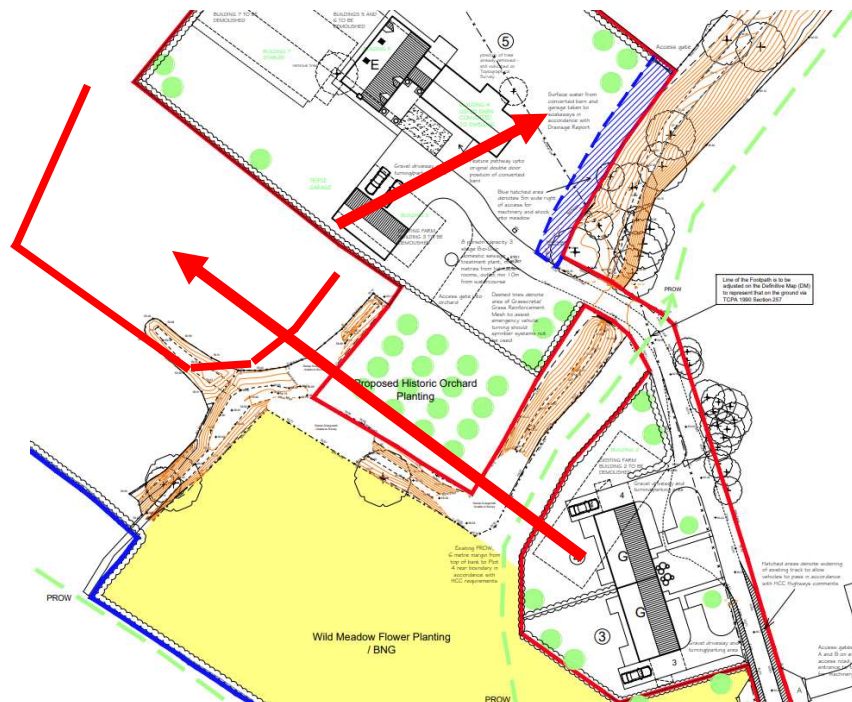
4.4 Moving on to Plots 3 & 4, I note the Inspector's comment that a proposed dwelling closest to the listed barn "could be designed to have the appearance of a rural building, which could also be smaller than the existing farm building". Although the height of this built form has been taken into account, the number of units has doubled

to create a 23.6m long built form. Whilst this still has the potential to work I am unconvinced by:

- **The change in wall finish** - I think the building would read better as a single entity with a uniformed wall finish. Unless there is a slight increase in the ridge height of one unit to define these as two entities. If, however, a continuous ridge is retained I would suggest a boarded finish and brick plinth throughout.
- **The larger glazed openings on the front elevation** - unless the end bays are perhaps expressed as oak-framed, former open-bays with knee braces and with a glazed infill a some would find with a conversion scheme.



4.5 Although the Inspector did not rule out a dwelling where Plots 3 and 4 are shown, considering the more intensive use now proposed and the more elongated form, I question whether it would be more to increase the Wild Meadow area where Plots 3 & 4 are currently and to relocate these units to sit parallel with the main barn (would require a change to the application site boundary as shown below). This would reinforce an agrarian grouping, introduce more openness to the south and in front of the listed barn and pay homage to the earlier layout of buildings as noted on the 1882 map regression. This would require the triple garage to Plot 5 to be relocated.





- 4.6 With respect to Plot 5, whilst there are occasions in the district where a barn is attached or linked to the house i.e., at Thistley Farm, Gosmore and Lower Green Farm, Ickleford, this is not the norm. Generally, agrarian buildings are either purposefully built i.e., Model Farm layout or are clustered together through time and use. The current site is neither of these. Considering the Inspector's remarks in respect of a smaller building to the south which would respect the barn's significance on the site, it would not seem right to entertain a two-storey overtly domestic building appearing alongside the barn as indicated below. In my opinion, this approach is fundamentally flawed.

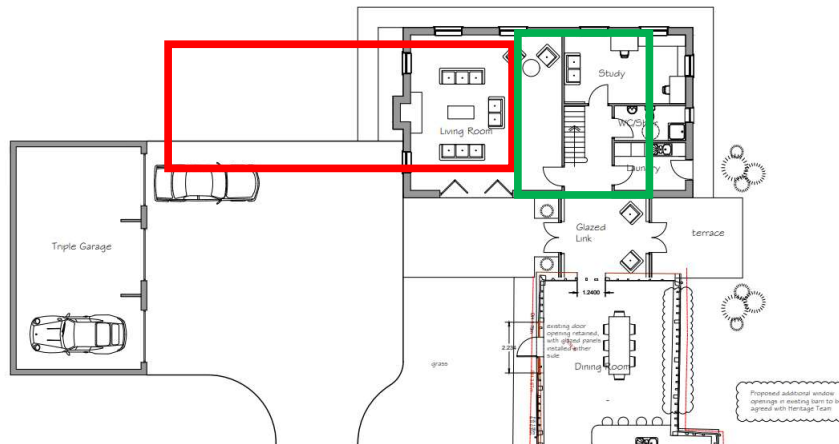


- 4.7 I turn again to the Inspector's decision and the following:

*.... 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. (Para 28)*

*The retention of the listed barn is undoubtedly a key consideration, but the appeal scheme does not directly relate to it.... 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. (Para 29)*

- 4.8 I have looked carefully at the proposed development here and where 4 bedrooms are proposed at first floor with living room / study / WC & shower / Laundry on the ground floor. The barn is shown with a ground floor providing a large dining space, kitchen, and family room. In my opinion, a **high quality and responsive scheme** attached to the main barn that would also maintain a greater sense of openness would need to potentially come in the form of a single-storey, subservient range. Therefore, whilst I am happy to consider a glazed link, I am not prepared to support the two-storey build.
- 4.9 In my opinion, a 1½ storey new build where the study / WC / laundry is with perhaps a staircase serving a Master Bedroom over but with a reduce headroom (green outlined section below) may work but then I would be seeking a step down to a narrower single-storey section to provide further bedroom / bathroom accommodation (red outline). This arrangement would clearly require the triple garage to be repositioned. This suggested single-storey section would complement the height and form of the said garage.



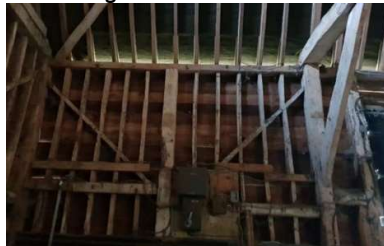
- 4.10 With respect to the main barn I note the following at 6.14 of the submitted Planning, Design and Access Statement

*The proposed dwelling which is intended to ensure a viable future for the listed barn is again constructed of brick and tile. It is envisaged that the brick choice will match the other buildings, but a discussion is invited on this point. The connection to the barn has been minimised so as to protect the barn structure as much as possible. A single storey glazed link in oak framing is proposed to transition between the new and the old buildings. **Other intrusions into the barn have been kept to a minimum to provide adequate daylight.** The interior space will be preserved as a single clear span so that sight of the barn framing is preserved.*

- 4.11 The idea of maintaining the barn's interior space is commendable, however, should the suggestion of reducing the height of the adjacent new build be problematic I am prepared to consider (if it works internally) a mezzanine over the family room.

- 4.12 It is unclear from the submission as to what effect the 10no. new glazed openings in the walls would have on the existing frame. For instance, to the two smaller windows on the front elevation would appear to interfere with the either studwork, diagonal braces or the larger horizontal sections of framing in the image below (photo 15 of the Structural Condition Report). This should be established before proceeding further and the following is noted at 4.2.6 of the aforementioned report:

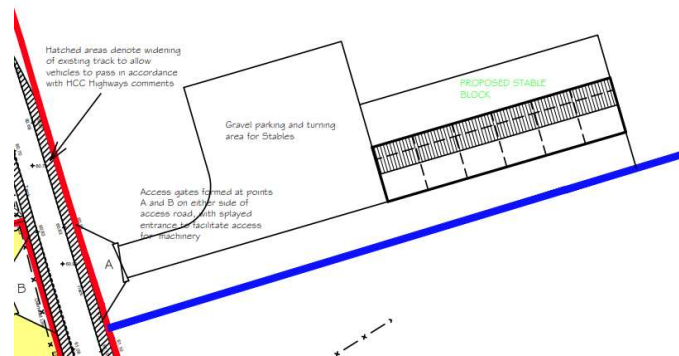
*Where additional openings are proposed, either to the gable or within the wall structure, further strengthening would likely be required to the timber frame by doubling up of studs and rafters, for example. Sufficiently sized headers should be provided, supported off these doubled up members to provide a lintel detail. This detail would need to be confirmed by Structural Engineer's calculations. Any large openings will require checking to ascertain the panel is still sufficient to prevent racking.*



- 4.13 I am also unconvinced that the intrusions are kept to the minimum considering that there would be 6no. new openings in the rear wall and 4no. new openings in the front wall (if counting the glazing either side of the existing personnel door). I am not convinced that the dining room need be served by 6no. openings and for this reason I suggest that glazing could perhaps be inserted where the small door opening is on the front elevation and the door retained in an open position (like a shutter). Similarly retaining larger barn doors in a pinned back 'open' position serving the larger glazed opening would be sympathetic to the barn's agrarian character and would probably require the proposed left-hand smaller window in the front elevation to be omitted.



- 4.14 At 4.2.3 to 4.2.5 of the Structural Condition Report it refers to the measures that may be necessary if the barn is to accommodate a first floor. However, this is not currently the case, so I make no further comment at this stage.
- 4.15 Finally, and with respect to the stable range, these are not mentioned in the proposal and fall outside the red line of the application. Is this a separate proposal, if so, I question whether the surrounding land is capable of accommodating 6no. horses and secondly, where are the hay storage/tack facilities to be located?



In my opinion, considering paragraph 15 of the appeal decision which reads as follows I consider that Plots 1 & 2 would occasion moderate harm on the 'less than substantial harm' continuum: *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.*

With respect to the dwelling types on Plots 3 & 4 I advise that the degree of harm would be relatively low in heritage terms.

Please note that ref: 23/02838/FP still refers to 'conversion of Listed Barn into 1 x 4-bed dwelling' whereas ref: 24/00708/LBC refers 'Two storey extension and internal and external alterations to existing agricultural barn to facilitate conversion into one 4-bed dwelling'. The FP should include two-storey extension and this would result in a moderate to high degree of harm in heritage terms.

### **NHDC Ecologist comments**

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.

Having looked at the documents proposals for habitat creation including an orchard are welcomed. The planning layout (below) indicates the proposed wildflower meadow, BNG enhancement, as outside of the red line but the orchard – also a BNG enhancement - as within the red line boundary. The application is not subject to mandatory biodiversity net gain but there is still an expectation that it would be delivered and secured. My understanding is that if it's not within the red line boundary it will be difficult to add conditions such as a LEMP which I'm minded to recommend as without this there is no guarantee that the habitats would be managed appropriately.

In addition opportunities to secure on plot enhancements should be considered, such as the inclusion of integrated bat, bird and bee bricks.

The October 2023 Ecological Appraisal makes recommendation for sensitive ways of working to ensure protection of nesting birds, hedgehogs and polecats so to guide and secure such measures a Precautionary Method of Working (PMW) is advised, suggested wording follows;

*No development shall take place (including any, ground works, site clearance) until an ecological Precautionary Method of Working (PMW) has been submitted to and approved in writing by the local planning authority. The PMW shall include the following.*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

*The approved PMW shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

As mentioned above, the conditioning of a LEMP is advised.

*A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.*

- a) Description and evaluation of features to be managed.*

- b) Aims and objectives of management.*
- c) Appropriate management options for achieving aims and objectives.*
- d) Prescriptions for management actions.*
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- f) Details of the body or organization responsible for implementation of the plan.*
- g) Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.*

The previous bat surveys from 2018, 2021 and 2023 identified bat interest in the site and the Ecological Appraisal advises mitigation measures will be required to prevent harm to protected species as a result of the redevelopment. To ensure works proceed lawfully an European Protected Species Mitigation (EPSM) licence will be required, the following condition is therefore recommended;

*No works are in any circumstances to commence unless the local planning authority has been provided with either:*

- a licence issued by Natural England authorizing the specified activity/development to go ahead; or*
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.*

*Reason: To ensure that works do not result in adverse impacts to protected species.*