



Appeal Decision

Site visit made on 18 February 2025

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/X1925/W/24/3348028

Water Tower, Priors Hill, Pirton SG5 3QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Colin Gore against the decision of North Herts Council.
 - The application Ref is 24/00403/OP.
 - The development proposed is described as one detached dwelling and garage following demolition of existing water tower (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with all matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how the proposed development could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. As the site is within the Chilterns National Landscape, I have paid regard to my duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of the area.
4. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, with reference to the Chilterns National Landscape including the effect of the proposed demolition of the non-designated heritage (NDHA) asset known as Pirton Water Tower;
 - whether the appeal site is in a sustainable location for the proposed development having regard to local policy; and
 - the effect of the proposed development on the biodiversity of the appeal site.

Reasons

Character and Appearance

6. The appeal site is located in the rural area beyond the Green Belt for planning purposes and is also sited within the Chilterns National Landscape. It is located outside of the village area for Pirton and includes a large steel water tower dating from c1930 which is contained by a chain link fence. Consequently, it is visually isolated from other built form. The site is in an elevated position and given the height of the tower it is easily viewed from the adjacent lane and the surrounding area despite the hedgerows on the site. The proposed development would introduce a four-bedroom, double fronted house.
7. Policy CGB1 of the North Hertfordshire Local Plan 2011-2031 (the NHLP) seeks to prevent inappropriate schemes in the rural area beyond the Green Belt. It establishes support for development subject to certain criterion.
8. In 2023, designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became 'National Landscapes'. The appeal site lies within the Chilterns National Landscape.
9. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. S245 of the Levelling Up and Regeneration Act 2023 requires that relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes. I have a statutory duty to consider whether the appeal scheme would further the statutory purposes of the Chilterns National Landscape.
10. The appellant has not adequately demonstrated that the proposed development would meet a proven local need for community facilities, services or affordable housing in an appropriate area. Furthermore, given that the proposed development would not constitute an infill development, would not relate to an existing building, would not provide land or facilities for outdoor sport, outdoor recreation and cemeteries and would not be strictly necessary for the needs of agriculture or forestry, it does not meet any of the other exceptions within Policy CGB1.
11. A dwelling on the appeal site would introduce a built form at odds with the open character of the Chilterns National Landscape especially given that it is not located within an existing built settlement. Whilst the appellant highlights that the exterior fence would be lower than that which exists, they have not adequately demonstrated that the dwelling would not harm the character of the Chilterns National Landscape. Furthermore, the existing water tower allows for views through the appeal site of the Chiltern National Landscape at a lower level, given that the legs of the structure, in this respect, are permeable in construction.
12. Given the above, the existing tower does not result in a dense built form, whereas the addition of a dwelling would result in a solid built form and consequently a conspicuous addition in the rural area beyond the Green Belt. The appeal scheme would therefor harm the character and appearance of the surrounding area, including the Chilterns National Landscape.

13. The appellant considers Pirton Water Tower to have no historical significance citing that Historic England has refused to designate it as a heritage asset because there are similar water towers across the country.
14. However, the Council considers Pirton Water Tower to be a NDHA. Planning Practice Guidance is clear that NDHA's can be identified in a number of different ways including during the determination of applications. Whilst opinion is divided on the visual appearance of the tower, it is regarded by Pirton Parish Council and other interested parties as a significant piece of Pirton village history. The structure has been a prominent landmark for approximately 100 years and was used in the second world war by the Home Guard to watch for enemy aircraft. Therefore, its significance is derived from its historical value. I have therefore treated the water tower as an NDHA in my determination of this appeal.
15. I have identified above that the introduction of a dwelling would be at odds with the open character of the Chilterns National Landscape. The Framework is clear that the effect of an application on the significance of a NDHA should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. The scale of the harm caused by its demolition and replacement with an unsympathetic built form to the character and appearance of the surrounding area would not be justified.
16. In conclusion on this issue, I find that the appellant has not adequately demonstrated that the appeal scheme would comply with Policy NE3 of the North Hertfordshire Local Plan 2011-2031 (NHLP) which provides support for development in the Chiltern's National Landscape subject to certain criterion. In particular, NE3(b) which requires, amongst other things, development to conserve and where possible enhance the distinctive character of the Chilterns National Landscape.
17. Furthermore, the appellant has not adequately demonstrated that the appeal scheme would meet one of the exceptions outlined in Policy CGB1 of the NHLP. Therefore, the appeal scheme would result in harm to the character and appearance of the surrounding area. It would conflict with Policies CGB1 and NE3 of the NHLP which seek to ensure development is appropriate in the rural area beyond the Green Belt and that the character of the Chilterns National Landscape is conserved and where possible enhanced.
18. It follows therefore, that the appeal scheme would also fail to accord with the aims of the Chiltern's Area of Outstanding Natural Beauty Management Plan 2019-2024 and the Pirton Neighbourhood Plan 2011-2031 (the NP) insofar as they seek to conserve and enhance the Chilterns National Landscape
19. Regarding the demolition of Pirton Water Tower, the appeal scheme would result in the loss of the significance of Pirton Water Tower as an NDHA though its demolition. Consequently, the appeal scheme would conflict with Policy HE3 of the NHLP insofar as it seeks to ensure that any development which results in the loss of a NDHA would contribute to preserving the local character and distinctiveness of the area.

Suitable Location

20. The Highways Authority has indicated concerns regarding the likelihood of future occupants relying upon private vehicles. There is a lack of lit footpaths adjoining

the site and therefore given that the appeal site is located outside of the village area of Pirton it is likely that future occupants would be reliant upon private vehicles.

21. Therefore, the appeal scheme would conflict with Policy CGB1 of the NHLP insofar as it seeks to ensure developments in the Rural Area Beyond the Green Belt are not inappropriate. It would also conflict with the aims of Policy LTP4 of Hertfordshire's Local Transport Plan insofar as it seeks to ensure developments are in locations where sustainable travel options exist or can be improved.

Biodiversity

22. The original application was submitted prior to the introduction of the Environment Act and its 10% biodiversity net gain requirement. However, Policy NE4 of the NHLP states that all development should deliver measurable net gains with regard to biodiversity.
23. In the absence of an adequate report or submission of adequate information regarding the biodiversity of the site, the applicant has not adequately demonstrated that the appeal scheme would deliver a net gain regarding biodiversity.
24. Given the above, the appeal scheme would conflict with Policy NE4 insofar as it seeks to ensure developments deliver a measurable biodiversity net gain.

Other Matters

25. I am aware that the site is proximate to a Scheduled Ancient Monument known as 'Anglo-Saxon settlement and probable prehistoric ring ditches west of Pirton Village' (SAM)¹. It is an enclosed Anglo-Saxon settlement with evidence of occupation from the 5th Century to the 9th Century. It also contains two probable prehistoric ring ditches. Given the early time period of the Anglo-Saxon settlement, it is rare not only on the Chiltern escarpment but also on a national scale. Furthermore, the enclosed form of the SAM is unusual for the period. I have had regard to the national importance of the SAM. Nevertheless, the Council has highlighted the demolition of the existing water tower as a benefit to the scheduled monument and has not classed the effect of the proposed development on the SAM as a putative reason for refusal. I have no substantive evidence before me to reach a different view in this regard and I am satisfied that no harm to its significance would arise from the appeal scheme.
26. An interested party has raised that there is no need for the water tower which they state is currently used as a telecommunications mast for the village nor for another mast to be erected as part of the appeal, given that another telecommunications mast is likely to be erected at another site in the village. The Council has not raised the need of the tower as a telecommunications mast as a concern or reason for refusal. I find no reason to disagree.
27. The appellant has referred to the site as a brownfield site. The Framework Glossary defines brownfield land as land which has been lawfully developed and is or was occupied by a permanent structure. The appeal site does constitute brownfield land, however given that the appeal site is not within the Green Belt, a

¹ List Entry Number: 1434415

consequent lack of harm to the Green Belt because of its designation a brownfield land is not a significant material planning consideration in this case.

28. The appellant states that an additional access has been included as part of the appeal scheme due to comments on a previous application. However, given that the appeal before me relates to an outline application with all matters reserved (including access), this matter is not within the scope of the appeal.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR