

25/02064/OP – Hambridge Way, Pirton – Updates

Section 106 Update:

The applicant has agreed to the planning obligations contained within the committee report. However, it should be noted that the applicant has not yet agreed to Hertfordshire County Council Highways contributions. Negotiations over the amount to be paid are still ongoing.

A contribution towards Waste Services – Recycling Centre was omitted from the Section 106 heads of terms set out in the committee report. The contribution has been requested by the Hertfordshire County Council Growth & Infrastructure Unit. The contribution has not yet been agreed by the applicant.

Waste Service:

Recycling Centre Contribution towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development (£10,774 index linked to BCIS 1Q2024)

National Planning Policy Framework (August 2026) Update:

The committee report for this item was published with references to the National Planning Policy Framework (NPPF) from December 2024. The Government published a new NPPF on the 17th of August 2026, which replaces the December 2024 version.

The August 2026 NPPF is structured differently compared to the previous December 2024 version. Numbered paragraphs have been replaced by individual policies, which are separated into 'Plan-making policies' and 'National decision-making policies'. The National decision-making policies are to be used in determining planning applications.

References in the committee report to NPPF paragraph numbers no longer correspond to the current NPPF and should be read as superseded by the policies identified below.

The new NPPF and its policies are now a material consideration in decision-making. There are no transitional arrangements and the new NPPF must be applied as a material consideration.

It should be noted that that Annex A(2) of the new NPPF states '*development plan policies which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight.*'

Under the December 2024 NPPF, the presumption in favour of development operated through paragraph 11. Because the Council cannot demonstrate a five-year housing land supply, the tilted balance was engaged and the report recommended approval on the basis that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Paragraph 11 no longer exists and the presumption is now set out in Policies S3 to S6 of the new NPPF. In the case of this application and its location outside of the settlement, Policy S5 applies.

Policy S5 sets out that only certain forms of development should be approved outside settlements and that these should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

Policy S5(1)(j) supports development which would address an evidenced unmet need. The policy includes development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test. The Council's inability to demonstrate a five year supply engages this limb of Policy S5.

Policy S5(1)(j) attaches two additional requirements to development in this category. The development would:

- i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or
- ii. Comprise major development for freight and logistics purposes which accord with Policy E3.

As set out in the Officer report, the site is considered to be physically well-related to the existing settlement. The northern and western boundaries are shared with existing residential development. The southern boundary is shared with the Pirton Recreation Ground and the site is contained to the east by a mature hedgerow.

Furthermore, the development is considered capable of being accommodated by existing and proposed infrastructure. No objections have been raised by the highways authority, lead local flood authority, education, health, or utility consultees subject to conditions or planning obligations.

It should be noted that there is ongoing negotiations with the highway authority regarding the costs of the planning obligations requested. However, once resolved, it is not expected that the level of infrastructure being delivered would change, just the amount that it costs to deliver the infrastructure. The scheme would remain capable of being accommodated by existing and proposed infrastructure.

It is therefore considered that the scheme falls within a category of development which Policy S5 states should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

Policy S5(2) states *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'*

No such policy is engaged in this case. There would be no unacceptable impact on highway safety for the purposes of Policy TR6, the proposal would also not conflict with flood risk, heritage or biodiversity policies.

The benefits identified within the committee report are unaffected by the new Framework and are reinforced by Policy HO7 (Meeting the need for homes), which requires substantial weight be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.

In weighing the benefits against the identified harms, it is not considered that the benefits are substantially outweighed by any adverse effects. The conclusion reached within the committee report is therefore unchanged when tested against the new Framework.

The substance of the national policy referenced elsewhere within the officer report is carried forward into the new Framework. The principal references are updated as follows:

Subject	NPPF (December 2024)	NPPF (August 2026)
Presumption in favour of sustainable development	Paragraph 11	Policies S3, S5, S6
Weight given to new homes	Paragraph 61	Policy HO7
Affordable Housing	Paragraph 63-66	Policy HO8
Landscape Impact	Paragraph 135, 187	Policies DP3, N2
Heritage Assets	Paragraphs 210-215	Policies HE4, HE5, HE6
Highways and Access	Paragraphs 110, 115, 116	Policy TR6
Neighbouring Amenity	Paragraphs 135, 198	Policies DP3, P3
Design and Layout	Paragraphs 131, 135	Policy DP3
Flood Risk and Drainage	Paragraphs 181, 182, 187	Policies F4, F8
Ecology and Biodiversity	Section 15	Section 19
Impact on Trees	Section 15	Section 19
Open Space Provision	Section 8	Section 16
Loss of Agricultural Land	Paragraph 187	Policy N2
Climate Change and Sustainability	Paragraph 8	Paragraph 17
Planning Obligations and Conditions	Paragraphs 56-58	Policy DM6

The August 2026 Framework applies to this decision. It changes the policy references used in the committee report, but does not change the outcome of the assessment.

The proposal falls within a category of development which the new Framework indicates should be approved outside settlements given the inability of the Council to demonstrate a five year housing land supply. Furthermore, the benefits of the scheme are not substantially outweighed by the identified harm.

The recommendation in the committee report is unchanged and the proposal is recommended for approval subject to the following, as set out in paragraph 7.1 of the report:

- A. The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement; and
- B. Providing delegated powers to the Development and Conservation Manager to
 - (i) resolve outstanding matters including financial contributions and
 - (ii) update conditions and informatives with minor amendments as required; and
- C. The conditions set out in the committee report:

Update to List of Conditions:

Housing Mix Condition:

No development shall commence until a Market Housing Mix Schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall set out the number, type, and size of market dwellings proposed across the site and how this would complement the affordable housing mix agreed by planning obligation. The schedule shall take into account the requirements of Policy HS3 of the Local Plan and the most recent Strategic Housing Market Assessment. Any reserved matters application pursuant to this outline planning permission shall be in accordance with the approved schedule.

Reason: To inform the layout, scale and density of the development to be submitted at reserved matters stage and to secure an appropriate range of house types and sizes in accordance with Policies SP8 and HS3 of the North Hertfordshire Local Plan 2011-2031.