

**Statement of Case
Of
North Hertfordshire Council**

Appeal lodged by Peter George Town Planning

**Planning Inspectorate Ref: APP/X1925/W/25/3362553
North Herts Council Ref: 24/02009/FP**

**Land At New Pound Farm East Side Of
Old Hale Way
Hitchin
Hertfordshire
SG4 0SA**

1.0 Introduction and Background to the Appeal

1.1 Planning permission was sought by Peter George Town Planning (the 'Appellant') on 9 October 2024.

1.2 The application under LPA reference - 24/02009/FP was for the following:

“Erection of one detached 2-bed farm workers dwelling.”

1.3 The application was determined under delegated powers, with the recommendation for refusal being on 27 November 2024, and the determination being made on 28 November 2024. The decision rested on one reason for refusal. Planning Permission was refused for the following reason:

“The application site is within an area designated in the North Hertfordshire District Local Plan 2011 - 2031 as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the view of the Local Planning Authority, the proposal would not comply with any of the exemption criteria to inappropriate development in paragraphs 155 of the NPPF. The proposal would conflict with purposes a), b) and c) of the Green Belt, set out under paragraph 143 of the NPPF. The proposal would be contrary to the fundamental aim of the Green Belt which is to maintain openness, giving rise to moderate harm to spatial openness and substantial harm to visual openness, contrary to paragraph 142 of the NPPF. The material considerations or benefits identified by the applicant are limited and do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harms, including harm to the openness of the Green Belt. The proposal is therefore contrary to Policy SP5 of the Local Plan 2011-2031 and Section 13 of the NPPF.”

2.0 Appeal Site and Surroundings

- 2.1 The application site comprises an existing agricultural building accessed down a track from the eastern side of Old Hale Way, Hitchin. The site is located at the northern edge of Hitchin, close to Ickleford, a village to the north. Allotments bound the site to the south, with some residential dwellings immediately adjacent to the access off Old Hale Way. Some fields surround the site to the north and west. The site is currently accessed off a private track from Old Hale Way and comprises a 'red line' site area of approximately 0.16 Ha, though the wider holding is larger.
- 2.2 The site is located immediately outside of the defined settlement boundary of Hitchin, and is situated between the settlement boundary of Ickleford, to the north. The site is located within Flood Zone 1, with areas of Flood Zones 2 and 3 to the east.
- 2.3 Site photos are included in the appendix section.

3.0 **Relevant Planning Policy**

Development Plan

3.1 The Development Plan includes the North Hertfordshire Local Plan 2011-2031. The North Hertfordshire Local Plan was adopted in November 2022 and full weight should be given to the relevant policies within.

3.2 The Local Plan policies relevant to those matters in dispute pursuant to this appeal are set out in the following sections of this statement.

Housing Supply Policies:

3.3 Policy SP2 of the Local Plan - Settlement Hierarchy and Spatial Distribution (Appendix 2)

Identifies settlements within the district and designates them for the delivery of new development, including for housing. The site is outside of the boundaries of both Hitchin and Ickleford, within which 'General Development' is permitted subject to other material planning considerations. Therefore, the exception for development listed in SP2 does not apply and therefore Green Belt policies apply.

3.4 Policy SP5 of the Local Plan - Countryside and Green Belt (Appendix 3)

This policy supports the principles of the Green Belt and recognises the intrinsic value of the countryside. It advises that land within the green belt is indicated on the policy maps and advises the plan making process and the review of boundaries, with reference to other material policies within the plan. The policy advises that development proposals within the Green Belt will only be permitted provided they do not result in inappropriate development or where very special circumstances have been demonstrated.

Rural Workers' Dwellings policy:

3.5 Policy CGB3 of the Local Plan - Rural workers' dwellings (Appendix 4)

Advises that planning permission for isolated homes in the countryside to support agricultural business will be granted provided that there is a clearly established existing functional need, the unit and business have been established for at least three years, has been profitable for at least one of the three years, is currently financially sound and should remain so, the functional need cannot be fulfilled by another existing dwelling on the unit, or any other accommodation in the area which is suitable and available for occupation by the worker(s), and where the proposal responds appropriately to the site's context and needs of the business in terms of design, scale and function. Where accommodation is proposed as part of a new business, applicants are required to demonstrate the viability of the business together with its ability to secure prospects for viability. Any permanent home granted under this policy is bound to a temporary time-limited permission, or temporary accommodation, with permanent permission following subject to a persistent need being established. The policy provides advice on the requirements pursuant to the removal of temporary permission conditions. Where the proposal would be inappropriate development in the Green Belt, the policy will be used to consider and assess a case for Very Special Circumstances.

The application was supported by a planning statement indicating that the dwelling was required to provide an on-site presence for the tending of livestock, and to deter

vandalism. No financial information was submitted with the application to demonstrate the financial soundness of the business, and no active operation was observed on-site that comprised the rearing or livestock within the site (appendix 5).

Design Policies:

3.6 Policy D1 of the Local Plan - Sustainable design

A policy that advises that permission will be granted provided the development would respond positively to the site context, would take all reasonable opportunities, consistent with the nature and scale of the scheme to create or enhance the public realm and provide other positive design cues, and would meet or exceed the nationally described space standards and optional water efficiency standards.

Amenity Policy:

3.7 Policy D3 of the Local Plan - Protecting living conditions

Requires development to not result in unacceptable harm to the living conditions of neighbouring occupiers and the future occupiers to the site. Where the existing use of the site gives rise to amenity harms, the council should seek mitigation measures to be secured as part of the grant of permission. Where suitable measures cannot be identified or implemented, the proposal will not be permitted.

Other relevant Policies:

3.8 Policy T1 of the Local Plan - Assessment of transport matters

Broadly, and generally, this policy advises that development should not be permitted where it would lead to highway harms and safety problems that would detract upon the safe operation of the public highway network and advises that sustainable transport measures should be sought and secured.

3.9 Policy T2 of the Local Plan – Parking

Requires residential development to comply with the local parking standards.

3.10 Policy NE4 of the Local Plan - Biodiversity and geological sites

Describes the council's requirements to support proposals that would appropriately protect, enhance and manage biodiversity in accordance relevant hierarchy, and status of designations and features as listed in Policy SP12 of the Local Plan.

National Policy and Guidance

3.11 The December 2023 version of the National Planning Policy Framework ('the NPPF') was relevant at the time the application was determined.

3.12 Since determination, the 12 December 2024 version of the NPPF has been adopted, and is given full weight when considering planning applications as of the time of the writing of this statement.

3.13 Paragraph 10 sets out to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

3.14 Paragraph 11 sets out that for decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 as per the above states as follows “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change”.

3.15 Paragraph 61 states that ‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’.

3.16 Paragraph 73 states that “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should b: seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing”

3.17 Paragraph 78 states that “Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:

a) their adopted plan is less than five years old; and

b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded”.

3.18 Paragraph 83 states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

- 3.19 Paragraph 84 states that “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;...”
- 3.20 Paragraph 143 lists the five purposes of the Green Belt. These are:
- “a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”
- 3.21 Paragraph 154 sets out the exemptions for development in the Green Belt. Paragraph 155 lists exemptions for development with reference to the Grey Belt.

4.0 **Planning Benefits**

- 4.1 The council consider that there would be some degree of Social and Economic benefits arising from the development, as discussed in the delegated report.
- 4.2 The development would deliver a new house for a rural worker. This is a social benefit due to the windfall nature of the development. The LPA consider that the benefits from the delivery of a single dwelling for a rural worker to be modest and would be site specific rather than a general benefit for the wider district housing supply.
- 4.3 Economic benefits would arise due to the use of local contractors during construction and when the dwelling is occupied, providing materials and maintenance services. The employment of a rural worker would also be viewed positively. Some degree of economic uplift from the operation of the rural business would arise from the development. These identified benefits are considered to be modest.

5.0 The Case for the Local Planning Authority

The Principle of Development

- 5.1 The Council maintains the view that, in accordance with the reason for refusal, the development would be unacceptable in principle. The site is outside of the defined settlement boundaries of both Hitchin and Ickleford and therefore sits on land brushed over by the Green Belt (Appendix 1). The development therefore does not comply with Policy SP2 of the Local Plan (Appendix 2). Exceptions for development in the Green Belt set out in Section 13 of the NPPF, specifically within Paragraph 154 would not be relevant to the proposal, and for this reason, the proposed development would not comply with Section 13 of the NPPF, and Policy SP5 of the Local Plan. The council consider that significant weight should be given to this non-compliance. The appellant, in their Statement of Case does not contend that the proposal fails to comprise an exception for development in the Green Belt.
- 5.2 The Appellant's SoC identifies and discusses Grey Belt and the context of the application in the view of this legislation. The statement consider that the site constitutes grey belt, and that the development would be supported by the provisions under Paragraph 155 of the NPPF.
- 5.3 The LPA do not consider that the proposal comprises Grey Belt, given that, as per the North Herts Green Belt Review, the site contributes significantly to checking the unrestricted sprawl of Hitchin, into Ickleford. This is due to the important location of the site, within a narrow gap between these two settlements, and it is considered that permitting a residential use in this location would allow for the extension of the residential core of Hitchin into this space, allowing for the erosion of the defined and planned area of Green Belt. Therefore, the proposal is considered to fail to comply with purpose a) of the Green Belt, as defined within the NPPF.
- 5.4 Should the inspector find that the proposal does comprise development in the Grey Belt, the LPA consider that the proposal would fail to comply with the provisions of Paragraph 155, specifically, a. due to the above discussed erosion of the Green Belt, of importance given that the Green Belt review identifies this space as being of importance in restricting the unchecked sprawl of Hitchin into Ickleford. The LPA do not consider that b., under Paragraph 155 would be complied with given that the proposal is not for market, self-build or affordable housing, and therefore does not contribute to the housing need within the district. This is a site-specific need for housing of a rural worker and therefore is not in compliance with this point. Turning to point c., the site is on the border with Hitchin and is less than 400m walk from a bus stop. It is considered to be suitably sustainably located. Point d. is not of relevance given that the proposal is not for a major development.
- 5.5 Should the inspector conclude that the development is inappropriate development in the Green Belt, as described, the appellant's SoC presents a case for VSC, whereby the delivery of a rural worker dwelling would be justified by the provided reasons for a permanent presence on-site for a worker to tend to livestock. The LPA do not consider that this case for VSC is suitable for the following reasons:
 - 5.5.1 Policy CGB3 (Appendix 4) sets out the requirements for permitted Rural Workers' dwellings and has considered the information submitted by the appellant and made observations during a site visit. There are four criteria within this policy, these are discussed below:

- 5.5.2 The council consider that the information submitted by the appellant does not provide sufficient grounds to consider there to be an established existing functional need within the site. The submitted statements advise that the presence of a worker is necessary to tend to livestock, however, no such operation was witnessed during the site visit (appendix 5). Fields did not comprise areas for grazing and appeared to be left to grow for scrub. The submitted planning statement advised *"The site is currently used for a range of agricultural purposes including for the cultivation of crops, wildflower planting, cricket bat plantation, allotments and other related aspects."*
- 5.5.3 No financial information was submitted to inform the officers of the profitability of the agricultural operation associated with the site, either to prove that the operation has been established >3 years before the date of submission, or to prove that the operation was profitable for at least 1 of these years and is currently financially sound.
- 5.5.4 No information was provided to advise if another existing dwelling within the unit is present or would be suitable for habitation by a rural worker serving the site. The local planning authority do not consider that the proposal would be appropriate in terms of the need and function.
- 5.5.5 Given the above, the Local Planning Authority do not consider that a suitable case for very special circumstances was presented by the appellant at the application stage and therefore consider that the case for providing accommodation of a rural worker in the Green Belt to be insufficient.

6.0 Conclusion

- 6.1 The council acknowledges that the proposed development appealed herein would bring economic and social benefits, including the delivery of a rural workers' dwelling on a windfall site, to which weight is attached as discussed within this statement.
- 6.2 As set out in the officer report, the council consider that the benefits delivered by the proposed development would fail to outweigh the harms identified to the Green Belt. As the site is outside of the defined settlement boundaries of Hitchin and Ickleford, the site is within the Green Belt and would not comply with any exception listed for development in the Green Belt, therefore failing to comply with Policy SP5 of the Local Plan. A case was submitted to comply with Policy CGB3, advising that the dwelling is needed for livestock care and to provide an on-site presence to deter vandalism from trespassers, and this is acknowledged, however, in the view of Policy CGB3, insufficient justification or financial information has been provided to elaborate on the financial soundness of the business and the subsequent need for a permanent presence on site. Site observations did not note the presence of livestock on the premises or land surrounding the building. It is considered that a case for very special circumstances was not provided by the appellant to justify the harms to the green belt.
- 6.3 The LPA consider that the proposal conflicts with purposes a. and b. of the Green Belt and would therefore constitute inappropriate development in the Grey Belt due to a lack of compliance with the relevant provisions for such development, as set out in the NPPF. If the site is considered to be in the grey belt, the LPA do not consider that the provisions set out within Paragraph 155 would be complied with. The proposal is therefore deemed to be inappropriate development in the Green Belt, and the proposed case for VSC is insufficient to justify or outweigh these identified harms to the Green Belt.
- 6.3 Overall, on balance, the council considers that the benefits delivered by the development would not outweigh the harms identified to the green belt and therefore request that this appeal is dismissed.

7.0 Appendices (Separate documents)

LPA Appendix 1 – District Local Plan Map B Hitchin, Letchworth Garden City and Baldock

LPA Appendix 2 – Policy SP2 of the Local Plan

LPA Appendix 3 – Policy SP5 of the Local Plan

LPA Appendix 4 – Policy CGB3 of the Local Plan

LPA Appendix 5 – Photographs from site visit