
PLANNING STATEMENT & SECTION 106 HEADS OF TERMS

Land east of Pirton



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1 INTRODUCTION

1.1 Scope of the Statement

- 1.1.1 This Planning Statement has been prepared to support an outline application made by Gladman Developments Ltd ('Gladman') for development at Land east of Pirton (the 'Site'). The description of development is as follows:

'Outline application for the erection of up to 130 dwellings with public open space, landscaping and sustainable drainage system (SuDS), with all matters reserved save for access.'

- 1.1.2 The Planning Statement explains the policy context for the application and sets out how the proposed development is appropriate having regard to the statutory development plan and other material considerations, as well as National Planning Policy Framework (the NPPF).
- 1.1.3 This Planning Statement explains why development is needed and appropriate in this location, and that the significant social, environmental and economic benefits will be delivered by the development that substantially outweigh any major residual impacts.
- 1.1.4 Through the suite of documents submitted alongside this statement, it can be confirmed that no adverse impacts would arise from the development that would 'significantly and demonstrably' outweigh the benefits, giving compelling grounds to grant planning permission.
- 1.1.5 The relevant policies are out-of-date and the presumption in favour of sustainable development, pursuant to Paragraph 11(d) of the NPPF, is engaged. This is by virtue of the Council being unable to demonstrate a five-year supply of housing land and because the relevant policy for the location of housing in the Local Plan is out-of-date.

1.1.6 This Statement further explains the policy context and how the proposed development is appropriate, having regard to the statutory Development Plan and other material considerations including the Framework. It demonstrates how the proposed development complies with national policy set in the Framework and why it is appropriate to bring forward development on this Site.

1.2 The Site

1.2.1 The site is situated to the east of Pirton, in the administrative area of North Hertfordshire District Council ('NHDC' or 'the Council'). Pirton is a large village situated approximately 4.8km northwest of Hitchin. The village is located on the slopes of the Chiltern Hills and on the edge of the Area of Outstanding Natural Beauty (AONB) within Pirton Parish.

1.2.2 Extending to approximately 6.65 hectares, the site is comprised of a single grassed field.

1.2.3 The Site is bound to the west by the recent residential development along Drovers Way and Strawplaiters Green, south of Howell Road. These houses mostly back onto a recreational footway, with a hedgerow located along the east of this footway for around two thirds of the length of the Site's western boundary. The continuation of the footway forms the southern third of the western Site boundary.

1.2.4 To the south-west of the Site is an area of public open space associated with the recent residential development west of the Site, and it includes a children's play area as well as a drainage basin. The settlement of Pirton extends west and south westwards beyond, with much of the settlement covered by a Conservation Area and also including several Scheduled Monuments.

- 1.2.5 To the south, the Site is bound by bridleway 021, Hambridge Way, which also forms part of the Icknield Way Trail long distance walking route. Beyond the bridleway to the south are arable and grassland fields, with the Pirton Recreation Ground located a short distance south-west of the Site beyond two intervening small fields. Further south, beyond further fields, is Hitchin Road.
- 1.2.6 To the south-west of Pirton and Hitchin Road lies the Chilterns National Landscape, located on rising ground.
- 1.2.7 East of the Site are a combination of large arable and small grassland fields extending along the gently undulating land towards the village of Ickleford and the town of Hitchin.
- 1.2.8 The Site is bound to the north by a residential property with a deep garden known as Northmead, with the house located to the north-west of the Site. Beyond this property are further mostly large-scale arable fields, with the village of Holwell located around 1.2km north-east of the Site.
- 1.2.9 The Site is not covered by any statutory or non-statutory designations for landscape or heritage quality or value. It comprises an ordinary grassland field, adjoining modern village housing, and bound by straight outgrown hedgerows. The site is of medium landscape quality.
- 1.2.10 Within Pirton residents have access to facilities such as a convenience store, several pubs, a primary school (reception to Year 6), sports club with associated recreational space and bus stops with services to higher tier settlements.

1.3 Relevant Planning History

- 1.3.1 The site has been subject to two previous applications, both submitted by Gladman in 2017.

1.3.2 The first application (17/01543/1) was submitted in June 2017, seeking outline consent of the erection of 99 dwellings with public open space, landscaping and sustainable drainage system, with vehicular access off Holwell Road.

1.3.3 The application was refused in September 2017 with four reasons for refusal which are summarised below:

- *RfR 1:* The proposed development is outside of the built limits of Pirton Lowlands Landscape character area, and the proposed landscaping would fail to positively enhance the wider landscape setting of the village and would afford significant and demonstrable harm to the intrinsic beauty of the countryside, which is considered to clearly outweigh the benefits of providing new dwellings on site.
- *RfR 2:* Given the lack of essential services in the vicinity of the site, the occupiers of the proposed dwellings would be heavily depended on services provided outside the immediate area, giving rise to a significant reliance on private transport. The site is found on Grade 3A agricultural land, which is best and most versatile land. As well as harm to the natural environment, the development of the land would be environmentally and economically unsustainable.
- *RfR 3:* The proposed development lies within an Area of Archaeological Significance and records in close proximity to the site suggest it lies within an area of significant archaeological potential. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on site.

- *RfR 4*: A completed s106 Agreement making provision for affordable housing and contributions towards education, libraries and youth service has not been provided prior to the application determination date.
- 1.3.4 An appeal was lodged (reference: APP/X1925/W/17/3184846) on 24th April 2018 and was heard at a Hearing on 4th September 2018. The appeal was dismissed on 18th January 2019.
- 1.3.5 A second application (17/02563/1) was submitted on 9th October 2017 for outline consent for the erection of 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road.
- 1.3.6 The application addressed the four reasons for refusal which were landscape character, unsustainable development, archaeology and planning obligations.
- 1.3.7 The submission included revised documents which sought to address the previous reasons for refusal. The site underwent trial trenching, and the County Council's adviser accepted that the revised evaluation report was sufficiently detailed to accord with national guidance and that its conclusions can be broadly accepted. It was recommended that that a condition on further investigation should be attached to any approval.
- 1.3.8 However, the application was refused on 15th December 2017 stating the same four reasons for refusal.
- 1.3.9 As set out within this document, the planning context has changed materially since the previous applications and appeal dismissal. This now supports the submission and determination of a new application on the Site. Moreover, the significant change in context justifies a departure from previous decisions.

2 THE PROPOSALS

2.1 The Proposal

2.1.1 The drawings submitted as part of this Outline planning application for approval are:

- Site Location Plan (ref: I000652-DL00);
- Proposed Access Arrangements (ref: I000653-01-A);
- Development Framework Plan (ref: I000652-DL02-D)

2.1.2 A suite of reports have been submitted to evidence the application and comprehensively demonstrate the suitability of the site for housing development. These reports are listed below:

- Planning Statement (this document);
- Design and Access Statement;
- Socio-economic Statement;
- Affordable Housing Statement;
- Energy, Sustainability and Waste Management Statement;
- Statement of Community Involvement;
- Landscape and Visual Impact Assessment;
- Preliminary Ecological Appraisal;
- Heritage Statement;

- Phase 1 Desk Study;
- Flood Risk Assessment;
- Noise Screening Report;
- Transport Assessment;
- Travel Plan.

2.1.3 The proposal is for an Outline planning application, with all matters reserved except for access. The application proposal includes the following:

- Up to 130 new homes, addressing the pressing need for new homes in the area;
- The provision of up to 52 (40%) much needed affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
- Vehicular access through the adjacent residential development from Coopers Elms;
- Focal spaces to create a sense of place;
- Biodiversity enhancements through blue and green infrastructure incorporating ecological mitigation and habitat creation across the site;
- New areas of high-quality open space and green infrastructure, incorporating new pedestrian links connecting to existing areas of public open space;

- Sustainable Drainage features which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.

2.1.4 A Development Framework Plan (DFP) is submitted with the application which is an illustrative summary of all the reports submitted with the application and proposals listed above.

2.1.5 The proposed development has been designed (as illustrated on the DFP) as an organic extension to Pirton and follows the direction of growth recently established by the creation of the new development immediately to the west of this site. The proposals will be in keeping with the character and consistency with other nearby residential area and villages.

2.1.6 It is proposed that the vehicle access will be facilitated via Coopers Elms by an extension to the existing carriageway into the development site. The footways which currently sit north and south of Coopers Elms will be extended also, creating safe pedestrian routes into the new development.

2.1.7 The site is well located to existing services within Pirton. Within 800m from the Site, residents can access several bus stops, two places of worship, a post office and convenience store, a village hall, two pubs and Pirton Primary School.

2.1.8 Visibility splays and swept paths of the access show that it can safely accommodate the largest vehicle expected to regularly access the site. The proposals utilise the existing emergency access into the site to the west, in the south-western corner from Hambridge Way.

2.1.9 Included in the proposals is a recreational circular pathway around the perimeter of the development, which leads to the existing play area on the adjacent scheme. Via this route, pedestrians will also be able to access Hambridge Way through the neighbouring scheme.

- 2.1.10 The connectivity between the two sites enhances permeability and will help the site integrate with the surrounding areas, whilst also allowing the new walking and cycling routes to benefit the entire community.
- 2.1.11 The existing boundary vegetation is to be retained and enhanced with additional thicket, hedgerow and tree planting to strengthen the site boundaries, creating a robust settlement edge and to limit views of the new development from the surrounding area.
- 2.1.12 The proposed layout takes into consideration key views of the surrounding higher land which overlooks Pirton and the Site area. The location of the development parcel reflects the key views and mimic the built form of the neighbouring development. The indicative landscaping helps ensure that any key view which overlooks the site is screened sufficiently and blended into the landscape.
- 2.1.13 The proposed drainage features run around the perimeter of the site flowing into two attenuation ponds in the southeastern corner of the site. The foul pumping station has been positioned to the northwestern corner of the site to ensure that it can be appropriately screened through landscaping features whilst still being accessible via the secondary level streets.

2.2 Sustainable Location

- 2.2.1 The proposed development is located to the east of Pirton and is directly adjacent to the recently completed Cala development known as Comice Meadows. The North Hertfordshire Local Plan (NHLP) describes Pirton as a medium sized village with a reasonable range of facilities including a school, shop, public houses, village hall and church.
- 2.2.2 Manual for Streets (2007) defines walkable neighbourhoods as places where most daily needs and services—such as schools, shops, parks, and public

transport—are within a ten-minute walk, or roughly 800 metres, from people’s homes. This is not classed as an upper limit, and it is widely acknowledged that a walking distance of up to 2km is deemed acceptable to access local facilities. The guidance places strong emphasis on creating well-connected street networks that offer short, direct, and safe routes for pedestrians.

2.2.3 Pedestrians are placed at the top of the user hierarchy, above cyclists, public transport, and private vehicles. This means street design should prioritise pedestrian comfort and safety with features like safe road crossings, good lighting, and active frontages that make walking feel safer and more enjoyable.

2.2.4 Within Pirton, all of the needs and services people may require daily, as stated above within Manual for Streets 2007, are available within an acceptable walking distance. The table below shows the walking distances and times from the proposed development site to facilities within the village of Pirton.

Local Facility / Amenity	Distance from site	Approximate Walking Time (minutes)	Approximate Cycle Time (minutes)
Playground	100m	0.5	0.2
Post Office and Village Store	780m	10	2
Playground	900m	11	3
The Fox Public House	850m	11	3
Village Hall	910m	11	3
Pirton School	940m	12	3
Methodist Church	1,000m	13	3
St Marys Church	950m	12	3
Motte & Bailey Public House	1,130m	14	4
Sports & Recreation Ground	950m	12	3

2.2.5 It should be noted that the application site is only a further 175m to all services and facilities than the approved Cala scheme which sits immediately to the

west of this proposed parcel of land. The site was found to be a sustainable location for development by NHC.

2.2.6 Pirton is served by bus service 89, which is operated by Centrebus and connects Pirton to Hitchin, Henlow Camp, and other nearby villages. The service runs Monday to Saturday with the first bus service being approximately 6:53am and the last being 6:59pm. Bus stops are located in front of the Post Office on High Street, approximately 800m from the development site and a 10-minute walk. These facilities allow residents to access other locations for commuting or leisure purposes.

2.2.7 The nearest railway station is approximately 4 miles from Pirton in Hitchin. The station offers a regular service to London and other destinations and is accessible via bus route 89.

2.3 Landscape

2.3.1 A Landscape and Visual Impact Assessment has been prepared by Iceni and is submitted as part of this application.

2.3.2 It is appreciated that the nature of the site will change from a grassland field to a residential development with associated open space and infrastructure. However, through the progression of the development, consideration has been given to near distance and medium to long distance views into the site from the surrounding area.

2.3.3 The new homes will be partially visible in filtered views from the junction of Holwell Road and Drovers Way, seen through the new intervening vegetation within the north-west of the Site. The houses will be seen within the context of the existing houses which adjoin the Site to the west and north and will not appear out of character in these views. From further west along Holwell Road, views of the development will become more limited.

- 2.3.4 The tops of the new homes will be partially visible from parts of public footpaths 5 and 13 south of the Site, through some gaps in the intervening vegetation. As the proposed planting within the Site matures, the views will become heavily filtered in winter and screened in summer. Near distance views from Holwell Road north of the Site will be prevented by the intervening vegetation north of the Site.
- 2.3.5 Views of the proposed development will be very limited from the higher ground south-west of the Site within the Chilterns National Landscape, north of Hanginghall Plantation. Where the development is visible, it would only be the rooftops which are evident over the intervening vegetation, and these will be seen behind, and within the context of the existing settlement which is similarly partially visible.
- 2.3.6 In middle distance views from the east along Hambridge Way, the tops of the proposed development will be partially visible in filtered views through the intervening boundary vegetation, in limited instances where there are gaps in the vegetation along the bridleway. In these views, the existing houses behind (west) of the Site are already partially visible, and the development will therefore replace views of these, and will also not appear out of character within the view. Summer views will be screened by intervening vegetation.
- 2.3.7 Overall, there is no landscape or visual reason why development at the Site would be unacceptable, and the Site is capable of being developed in line with the proposals.

2.4 Heritage

- 2.4.1 A heritage statement has been submitted alongside this application. The site lies outside of Pirton Conservation Area and in close proximity to several significant heritage assets, included listed buildings and archaeological

features. These assets form part of Pirton's rich historical landscape, which is largely mediaeval in origin and includes notable landmarks such as The Bury, Pirton Grange, St Mary's Church, and scheduled monument of Toot Hill.

2.4.2 Although the development site is not within the conservation area, it's close proximity requires an assessment of the potential visual and contextual impact on the surrounding historic environment.

2.4.3 The report concludes that, while the potential for heritage impact exists, it can be limited and effectively managed through careful design. To mitigate any adverse effects, the proposed development would respect the established village character through the use of traditional architectural forms, appropriate materials, and thoughtful layout.

2.4.4 Recommendations within the report suggest incorporating green landscaping buffers to soften the visual transition between the development and the conservation area. In addition, the orientation and scale of buildings should be carefully considered to preserve key views and maintain the historic setting.

2.4.5 Therefore, the proposals are deemed policy compliant and considered to cause no harm to the identified heritage assets.

2.5 Other Findings

2.5.1 An Archaeological Desk-Based Assessment has been submitted as part of this application. The results of this assessment do not identify any significant or material changes to the archaeological baseline of the Site. The site has already been subject to trial trenching as mentioned within the Relevant Planning History section of this Statement, and therefore, as previously recommended through the earlier appeal, the request for any further archaeological work could be secured by means of a condition.

- 2.5.2 The Affordable Housing Statement confirms that up to 52 units (40%) of the new homes will be affordable, in accordance with Policy HS2 of the Local Plan and definitions with the NPPF. Affordable housing provisions will be secured through a Section 106 obligation as set out in the Heads of Terms. These homes would be pepper-potted throughout the site and made indistinguishable from open market properties. Approval of the housing mix is not sought as part of this outline application. However, the new homes will be provided in a mixture of sizes, styles and tenures to meet the diverse range of local needs, specific at the reserved matters stage of the development.
- 2.5.3 The Preliminary Ecological Appraisal identifies several ecological constraints and outlines necessary steps to support an evidence-based Ecological Impact Assessment (EclA) in line with local planning policy. To address potential ecological impacts, a programme of further survey work and stakeholder consultation is recommended. Additionally, the report highlights a range of opportunities for ecological enhancement, which should be integrated into the development design. No overriding constraints to development have been identified, provided that appropriate mitigation measures are implemented in response to the confirmed constraints and that the recommended further survey work is completed.
- 2.5.4 The Ecological Impact Assessment helps identify, evaluate and mitigate the potential effects of a proposed development on habitats, species and ecological features. The report concludes that, with the inclusion of targeted mitigation and precautionary measures, the scheme will not result in any significant residual ecological effects. The Development Framework Plan supports biodiversity through habitat creation and integrated enhancement measures.

2.5.5 Several other reports have been submitted alongside this application to support the case. These reports are listed in Section 1 of this Planning Statement.

3 PLANNING POLICY ASSESSMENT AND MATERIAL CONSIDERATIONS

3.1 Planning Policy

- 3.1.1 This section sets out the planning policy relevant to the determination of this planning application.

3.2 The Development Plan: Weighting

- 3.2.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 3.2.2 The Framework is a material planning consideration but it is confirmed in paragraphs 2 and 12 that this does not change the statutory status of the development plan as the starting point for decision making. The planning application should be considered in this context.

3.3 National Planning Policy Framework

- 3.3.1 The most recent iteration of the National Planning Policy Framework ('the Framework' or 'NPPF') was published on 12th December 2024 (and was subject to minor amends on 7th February 2025).
- 3.3.2 At the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 8 sets out that, in order to achieve sustainable development, the planning system has three overarching objectives, an economic objective, a social objective, and an environmental objective.

- 3.3.3 Section 5 of the Framework focuses on delivering a sufficient supply of homes, with paragraph 61 stating 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.
- 3.3.4 Section 9 of the Framework addresses the promotion of sustainable transport. Paragraph 109 proposes that new development should apply a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.
- 3.3.5 Section 11, on making effective use of land, directs at paragraph 129 that development that makes efficient use of land should be supported, taking account of the identified need for different types of housing and the availability of land suitable for accommodating it. Section 12 provides guidance on achieving well designed places, with paragraph 131 stating that good design is a key aspect of sustainable development, which can create better places in which to live and work.
- 3.3.6 When taken as a whole, proposals comply with the policies of the Framework, delivering much needed homes in a sustainable location, with high-quality design credentials.
- 3.3.7 Paragraph 11(d) of the Framework provides grounds for a 'tilted balance' towards approving new development by making clear that permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits, or the application of specific policies that protect areas or assets of particular importance provide a strong reason for refusal. This is a stringent test.

3.3.8 The Consultation Statement published by Ministry of Housing, Communities and Local Government (as it is now called) alongside the draft Framework in July 2024 provides further evidence on the interpretation of paragraph 11(d). The Statement made clear that the Government is committed to strengthening the presumption in favour of sustainable development set out at paragraph 11(d), and that its primary purpose is to encourage planning permission for residential development to be granted where plan policies are not up-to-date, and where there is an insufficient supply of housing. One way that the presumption does this, it is explained, is by bringing unallocated sites into consideration for residential development.

3.4 Housing Land Supply

3.4.1 The supply of available and deliverable sites for housing in North Hertfordshire is an important material consideration in determining the weight to relevant policies for the supply of housing, which are some of the most important policies for the determination of the application.

3.4.2 In North Hertfordshire, the Inspector for the Local Plan Examination noted in their report that it is considered that the Council will be able to show a rolling five-year housing land supply on the Plan's adoption (December 2022) as such they were protected under the December 2023 NPPF. However, this has now been removed through the December 2024 revision of the NPPF, meaning that the Council will have to demonstrate the required five-year Housing Land Supply each year.

3.4.3 The Council published an updated housing land supply statement in May 2024 outlining that they could only demonstrate a supply of 3.9 years against a 5-year requirement. This figure uses their stepped trajectory housing requirement as set out in the adopted Local Plan of 1,198 dwellings per annum.

- 3.4.4 Through reviewing NHDC's historic housing delivery figures across a 10-year period, it is evident that the council have struggled to deliver 300 dwellings per year. This emphasises increasing pressure the Council are under to deliver nearly four times that figure per annum.
- 3.4.5 Gladman consider that the Council's claimed housing land supply is significantly lower than stated when rigorously tested due to the lack of evidence demonstrating that sites are 'deliverable' in accordance with the tests set out in national planning policy. Notwithstanding this, NHDC cannot demonstrate a supply, and therefore the tilted balance is engaged.
- 3.4.6 If a local planning authority cannot demonstrate a five-year supply of deliverable sites, as per footnote 8 to paragraph 11d) of the NPPF (December 2024), the most important policies for determining the application (in this case, those including but not solely limited to the delivery, location and supply of housing), are considered to be 'out-of-date'.
- 3.4.7 With footnote 8 to paragraph 11(d) engaged, the presumption provides grounds for a 'tilted balance' towards approving new development by making clear that permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole or application of policies in this Framework that protect areas of assets of particular importance provide a strong reason for refusal.
- 3.4.8 As the Council does not have a five-year supply and the tilted balance is engaged, where it is considered that the benefits of the delivery of housing (including affordable housing) on the Site outweigh the harms associated with the conflict with policy and other harms in changing the site from that of Greenfield to that of built development (principally landscape harm).

3.5 Local Policy

3.5.1 The Development Plan relevant to this application includes:

- North Hertfordshire Local Plan (NHLP) (2011-2031);
- Pirton Neighbourhood Development Plan (2011-2031).

3.6 North Hertfordshire Local Plan (NHLP)

3.6.1 The NHLP 2011-2031 was adopted on 8 November 2022 and sets out the long-term vision and objectives for the whole of North Hertfordshire for the period up to 2031.

3.6.2 The table set out in Appendix 1 outlines relevant policies in the NHLP which relate to this submission. In respect of the development proposals, the following policies are considered to be the most important to its determination in relation to the supply of housing.

3.6.3 Policy SP1 (Sustainable development in North Hertfordshire) sets out the Councils overarching approach to sustainable development whilst ensuring the long-term needs of the smaller villages. The policy requires new developments to deliver an appropriate mix of housing, jobs and services, contribute to high-quality design and provide the necessary infrastructure. The policy emphasises the need to protect the environment, including biodiversity, landscape and heritage assets, and encourages mitigation against climate change.

3.6.4 Gladman acknowledges that proposals do not accord with every aspect of Policy SP1, however the proposals could offer the creation of an appropriate mix of housing teamed with a high-quality development which can provide a circular walk, encouraging healthy lifestyle choices.

- 3.6.5 Policy SP2 (Settlement Hierarchy and Spatial Distribution) establishes the settlement hierarchy and spatial distribution of development across the district. It states that between 2011 and 2031, the plan should make provisions for at least 13,000 new homes. The policy further defines Pirton as a Category A Village, where general development is to be allowed within the defined settlement boundary.
- 3.6.6 The policy states that approximately 80% of the districts housing development should be located within the adjusted settlement boundaries. A further 13% of the districts housing is to be located within 5 villages where boundaries have been adjusted. This leaves 7% of the districts housing requirement to be allowed within Category A villages where sites are within the settlement boundaries.
- 3.6.7 The proposal site is outside of Pirton's settlement boundary, but the same will inevitably be true for many proposals brought forward given the sheer need for housing numbers in the District. Given the location of the development is directly adjacent to the settlement boundary, the site offers a location for much needed homes where they can benefit from services and transport links that a Category A village has to offer.
- 3.6.8 Policy SP5 (Countryside and Greenbelt) recognises the intrinsic value of the countryside and states that a general policy of restraint in rural areas beyond the Green Belt in regard to development will be operated through detailed policies.
- 3.6.9 Policy SP8 (Housing) sets out the housing growth required across the district. The policy acknowledges the requirement to release sufficient land to deliver at least 11,600 net new homes for North Hertfordshire's own needs and the provision of additional land within the Luton Housing Market Area (HMA) for a further 1,950 net new homes. Part D stated that the council aim to 'Maintain

a five-year housing land supply and target the completion of 20% of new homes over the plan period on previously developed land’.

- 3.6.10** Policy NE2 (Landscape) states that permission will be granted for development proposals which ‘do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this.’ Gladman acknowledged that the proposals will change the landscape of the Site, however the wider landscape implications have been assessed and the proposals have been designed in such way that they have limited impacts from key viewpoints to the south of the site.
- 3.6.11** Policy CGB1 (Rural Areas beyond the Green Belt) sets out the broad typologies of development considered acceptable within the Rural Area Beyond the Green Belt. The policy states that planning permission will be granted provided that the development meets a proven local need for community facilities, services or affordable housing in an appropriate location.
- 3.6.12** Policy HS2 (Affordable Housing) states that planning permission for new homes will be granted where affordable housing is provided in accordance with the policy requirements. As the proposals provide more than 25 dwellings, the target percentage of dwellings to be offered as affordable is 40%.
- 3.6.13** Policy IMR1 establishes specific housing delivery targets to ensure the district meets its housing needs over the plan period. It outlines annual delivery rates that increase over time, reflecting the progression of housing developments. The policy outlines the district’s strategy for housing delivery, aiming to meet a target of 13,000 net new dwellings over the plan period. The policy adopts a stepped approach to housing targets:

- 2011–March 2020: 350 dwellings per year

- April 2020–March 2024: 500 dwellings per year
- April 2024–2031: 1,120 dwellings per year

3.6.14 Any shortfall in housing delivery since the plan’s start date is to be distributed evenly over the remaining plan period. Housing completions and permissions are to be monitored on an ongoing basis to maintain a robust and up-to-date housing trajectory.

3.6.15 As stated above, there is a significant shortfall against the adopted requirement of dwellings. Consequently, it is necessary to approve development on sites which are contrary to some of the local policies in order to help ensure the Local Plan housing requirement is met.

3.6.16 It is acknowledged that the proposed development of 130 dwellings on Land east of Pirton does not strictly accord with policies SP2 (Settlement Hierarchy) and CGB1 (Rural Areas Beyond the Greenbelt) of the NHLP, which both seek to restrict major development outside of the settlement boundary. However, NHDC is currently unable to demonstrate a 5YHLS, as stated above, rendering the relevant housing policies out of date under paragraph 11(d) of the NPPF, therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

3.7 Pirton Neighbourhood Plan

3.7.1 Pirton Neighbourhood Plan was adopted in October 2016 and set out a community-led framework for guiding development in Pirton Village. The plan focuses on preserving Pirton’s rural character while allowing appropriate growth. The relevant policies with the Neighbourhood plan are set out in Appendix 1.

- 3.7.2 Policy PNP1 supports small-scale, well integrated housing within the development boundary. The policy states that there is a need for 2/3 bedroom dwellings, however objects to any development over 30 dwellings.
- 3.7.3 Policy PNP7 states that proposals should take into account the visual impact of those proposals on key views and vistas. These are outlined within the Neighbourhood Plan of which, viewpoint 8 is the closest to the development site. There are no viewpoints that are directly over the Site.
- 3.7.4 Whilst Policy PNP1 restricts development outside of the settlement boundary, as stated above, NHCs current lack of a 5YHLS requires a flexible and pragmatic approach to Neighbourhood Planning Policies. The proposal would deliver much needed market and affordable housing, and teamed with sensitive design and landscaping, the development can respect Pirton's rural character and landscape settings consistent with the principles of Policy PNP 2 and PNP 4.

3.8 Other Material Considerations

3.9 Written Ministerial Statement

- 3.9.1 The publication of the consultation draft of the revised Framework on 30 July 2024 coincided with a Written Ministerial Statement (WMS), made by Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government Angela Rayner, titled Building the Homes We Need.
- 3.9.2 The WMS stresses the severity of the of the housing crisis facing the country which is remarked as being "the most acute housing crisis in living memory". The WMS also reinforces the Government's commitment to fixing the foundations of the housing and planning system to build 1.5 million homes over the next five years, and to strengthening the presumption in favour of

sustainable development to ensure that planning permission is granted on suitable sites in sustainable locations.

3.9.3 Following the publication of the revised Framework on 12th December 2024, a further WMS was made by Minister of State for Housing and Planning Matthew Pennycook, also titled Building the Homes we Need.

3.9.4 The WMS emphasises the need for planning permissions to be secured outside of local plan allocations in the short-term in order to see the scale of delivery needed to work towards undoing the impacts of the housing crisis. It also reiterates the Government's commitment to strengthening the presumption in favour of sustainable development, stating that:

"where it applies, the presumption in favour of sustainable development must have real teeth. The changes we make today ensure that the presumption carries real weight, acting as a significant adjustment to the decision-making balance in favour of approving development."

3.9.5 It is well established that WMSs represent a firm statement of Government Policy. They make clear the commitment to the biggest growth in social and affordable housebuilding in a generation. These are statements against which full weight should now be attached as a material consideration in the determination of planning applications.

3.9.6 The Government's ambition to deliver 1.5 million homes within this parliamentary term is both a social necessity in order to address the housing crisis, and a key mechanism in facilitating economic growth. Forecasting produced by the Office for Budgetary Responsibility (the OBR) demonstrate

that the recent planning reforms, including the delivery of 1.5 million homes could add £6.8 billion to GDP, and contribute £3.4 billion to UK public services¹

3.10 Conclusion

- 3.10.1** It is acknowledged that the proposed development up to 130 dwellings on land east of Pirton does not strictly accord with policies SP2 (Settlement Hierarchy) and CGB1 (Rural Areas Beyond the Greenbelt) of the NHLP, nor do proposals accord with Policy PNP1 for the Pirton Neighbourhood Plan.
- 3.10.2** However, the proposal aligns with the principles of the NPPF, paragraph 11(d) of which where there are no relevant development plan policies, the policies which are most important for determining the application are out-of-date. Relating further to footnote 8 of the NPPF, the proposals relate to the provision of housing where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 3.10.3** NHC have demonstrated that paragraph 11(d) is engaged by virtue of the fact that the Council cannot demonstrate a five-year housing land supply. Consequently, the most relevant policies are to be considered 'out-of-date', and the 'tilted balance' is engaged.

¹ HM Treasury, March 2025. Available at: <https://www.gov.uk/government/news/obr-concludes-planning-reforms-will-bring-housebuilding-to-its-highest-level-in-40-years>

4 PLANNING BALANCE AND CONCLUSIONS

4.1 Summary

- 4.1.1 The proposed development for up to 130 dwellings on Land east of Pirton requires careful assessment against the adopted development plan, the NPPF, and all other relevant material considerations. In accordance with Section 38(6) of the Planning and Compulsory purchase act 2004, decisions must be made in line with the development plan unless material considerations indicate otherwise.
- 4.1.2 It is acknowledged that the application site lies outside of the defined settlement boundary of Pirton and this does not fully accord with the spatial strategy set out in Policy SP2 and Policy CGB1 of the NHLP. Similarly, Policy PNP1 of the Pirton Neighbourhood Plan seeks to confine new residential development within the village boundary and therefore proposals do not accord.
- 4.1.3 However, a critical material consideration is the Council's current inability to demonstrate a five-year supply of deliverable housing sites. As a result, paragraph 11(d) of the NPPF applies, engaging the 'tilted balance'. Under this presumption in favour of sustainable development, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 4.1.4 In applying the tilted balance required by paragraph 11(d) of the NPPF, it is clear that the identified adverse impacts, principally, limited harm to the landscape and a departure from the settlement boundary, do not significantly and demonstrably outweigh the substantial social, economic, and environmental benefits of the proposal. The development would deliver

sustainable growth in a suitable location, adjacent to an established community with existing facilities and services, consistent with the overarching principles of the NPPF.

4.1.5 It is important to note that settlement boundaries, whilst important, should have a level of flexibility, particularly in the context of addressing urgent housing needs. Flexibility must be applied to allow rural communities to evolve sustainably in response to challenging demographic and economic conditions.

4.2 Benefits of the Proposal

- Up to 130 new homes, addressing the pressing need for new homes in the area;
- The provision of up to 52 much needed affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
- Focal spaces to create a sense of place;
- Biodiversity enhancements through blue and green infrastructure incorporating ecological mitigation and habitat creation across the site;
- New areas of high-quality open space and green infrastructure, incorporating new pedestrian links connecting to existing areas of public open space;
- Sustainable Drainage features which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.

4.3 Conclusion

- 4.3.1 Taking all matters into consideration, it is concluded that the proposed development represents a sustainable form of growth that accords with the objectives of the national planning policy and responds positively to the Council's housing needs. Although the proposal does not fully comply with all elements of the adopted development plan, the substantial benefits clearly and demonstrably outweigh the limited harms identified.
- 4.3.2 Accordingly, in line with paragraph 11(d) of the NPPF and the presumption in favour of sustainable development, the proposals should be approved without delay.

APPENDIX 1: RELEVANT DEVELOPMENT PLAN POLICIES

Policy Reference	Policy Title
NHLP (2011-2031)	
Policy SP1	Sustainable Development in North Hertfordshire
Policy SP2	Settlement Hierarchy and Spatial Distribution
Policy SP5	Countryside and Green Belt
Policy SP6	Sustainable Transport
Policy SP7	Infrastructure requirements and developer contributions
Policy SP8	Housing
Policy SP9	Design and Sustainability
Policy SP10	Healthy Communities
Policy SP12	Green Infrastructure, Landscape and Biodiversity
Policy SP13	Historic Environment
Policy CGB1	Rural Areas beyond the Green Belt
Policy CGB2b	Community facilities, services and affordable housing in the Rural Area Beyond the Green Belt
Policy T1	Assessment of transport matters
Policy T2	Parking
Policy HS2	Affordable Housing
Policy HS3	Housing Mix
Policy HS5	Accessible and Adaptable Housing
Policy D1	Sustainable Design
Policy D3	Protecting Living Conditions
Policy D4	Air Quality
Policy HC1	Community Facilities
Policy NE2	Landscape
Policy NE4	Biodiversity and geological sites
Policy NE6	New and Improved Open Space
Policy NE7	Reducing flood risk
Policy NE8	Sustainable drainage systems
Policy HE1	Designated Heritage Assets
Policy HE3	Non-designated Heritage Assets
Policy HE4	Archaeology
Policy IMR1	Five Year Housing Land Supply

Policy Reference	Policy Title
Pirton Neighbourhood Plan	
PNP 1	Meeting Local Need
PNP 2	Design and Character
PNP 3	
PNP 4	Hedgerows, Trees and Verges
PNP 5	Wildlife
PNP 6	Local Green Spaces
PNP 7	Key Views and Vistas
PNP 8	Heritage Assets and Archaeological Heritage
PNP 9	Community Facilities

APPENDIX 2: SECTION 106 HEADS OF TERMS

DRAFT SECTION 106 HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with North Hertfordshire Council to agree obligations which, are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

AFFORDABLE HOUSING

- i. The Agreement will provide for 40% affordable housing with a tenure split to be agreed with the Local Planning Authority.

OPEN SPACE

- i. The Agreement will require the Developer to provide on-site informal open space, equipped children's play areas and allotment space.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.
- iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

HIGHWAYS AND PUBLIC TRANSPORT

- i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

OTHER

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

