

Our Ref: LF/23-146_04

27 May 2025

Toni Sharp
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN



**Barker Parry Town
Planning Ltd**

33 Bancroft, Hitchin,
Herts SG5 1LA

T: 01462 420 224
E: office@barkerparry.co.uk
W: www.barkerparry.co.uk

Dear Sir/Madam

**Objection to Planning Appeal for the Erection of one detached 2-bed farm
workers dwelling at Land at New Pound Farm, East of Old Hale Way, Hitchin,
SG4 0SA**

Appeal Reference: APP/X1925/W/25/3362553

Barker Parry Town Planning has been instructed by Ms Monk, to review and comment on the above planning appeal in relation to the impact the proposal would have on the surrounding area. Ms Monk is the tenant of one of the allotments located to the south east of the Appeal Site.

The application was refused for the following reason:

- 1 *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.*

Steven Barker
Director
MA (Cantab) MA MRTPI

Liz Fitzgerald
Director (Managing)
BA (Hons) Dip TP MRTPI

Registered
England & Wales No. 5314018.
Registered Office same as
office address

Green Belt

Following the determination of the application the Government has published a new NPPF and introduced a 'grey belt' definition. The Appellant has correctly identified that the Appeal site falls within the Green Belt and that the most recent Green Belt Assessment identifies Parcel 13c as making a significant contribution to the prevention of urban sprawl.

The Appellant suggests that, as this proposal is only for a single dwelling the erosion of the Green Belt in this location would only have a moderate impact as it forms part of a wider parcel and would not therefore represent a strong contribution to Purpose a, such that this site is grey belt.

This is disputed. Parcel 13c is a smaller parcel of Green Belt that wraps around the southern part of Ickleford creating a distinct separation between Hitchin and Ickleford. This Appeal Site forms part of the narrowest section of this Green Belt parcel where there is already significant intervisibility between the settlements. The Appellant suggests that the presence of a barn, bund, track and wider agricultural land prevent sprawl. These suggested prevention measures are typical agricultural uses that provide no barrier to the proposed development. The proposal will have no strong boundary that would be a barrier to delineate it from the wider agricultural use and will be clearly domestic in this agricultural setting.

Any development in this highly sensitive open location will have a significant impact on the Green Belt, it would constitute urban sprawl and set a precedent for further development in this location. The site does make a strong contribution to purpose a and therefore represents a strong reason for refusal. The site does not therefore constitute 'grey belt'.

On this basis there is a need for the Appellant to demonstrate 'very special circumstances'.

Local Plan policy CGB3 states the following:

Planning permission for isolated new homes in the countryside to support agricultural, forestry and other rural businesses will be granted provided that:

- a) There is a clearly established existing functional need;*
- b) The unit and the rural business concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and should remain so;*
- c) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- d) The proposal responds appropriately to the site's local context and the needs of the business in terms of design, scale and function.*

Where accommodation is proposed in association with a new business, applicants will need to demonstrate the business is viable with secure future prospects as an exception to criterion (b).

If a new home is deemed essential to support a rural business, it should first be permitted through a time-limited permission, or temporary accommodation such as a caravan. Permission for permanent dwellings will normally only follow in the event of a persistent need.

Any temporary or permanent home will be restricted to the occupancy of a worker associated with the business. (Underlined for my emphasis).

First and foremost this is not an isolated dwelling, the location of the proposed dwelling and the access road physically abut the settlement boundary of Hitchin. It is less than 0.1m from the nearest residential property within the settlement boundary.

Secondly, there is a requirement for an essential need for the worker to be located on site, whilst the Local Plan requires the business to be established for at least 3 years and be viable.

The Appellant has stated that this is a long-established farming enterprise on the site but provides no evidence of this position. Until the submission of this application, there was no presence of any livestock on the property and the land certainly hasn't been in arable rotations. Further the Appellant has not advanced any functional need for a dwelling. The Appellant has therefore failed to comply with criterion a and b. c and d go unaddressed.

a) There is a clearly established existing functional need:

The Appellant suggests that some of the agricultural enterprise exists, however this exists without requiring any on site presence or intervention. Within the application submission it was suggested that pigs and chickens are proposed to be introduced on the site both within and adjacent to the storage barn.

This livestock is not currently present on site, it is not an established use and therefore there is no established existing functional need for a dwelling in this location.

b) The unit and the rural business concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and should remain so:

As the livestock is not currently on site, this cannot be satisfied.

c) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

Any suggestion that there are no other properties available in the vicinity of the site is simply false. As part of our objection to the planning application we identified a 2 bed flat for sale on Old Hale Way, within 270m of the site and a further 2 bed maisonette available adjacent to the northern access to the wider landholding, off Icknield Close. These properties remain on the market and two further 2 bed properties have been advertised as being for sale adjacent to the earlier identified properties.

Given the site's proximity to existing settlements and the forthcoming development at the Mill, there is a reasonable prospect that a property will be available at most times that will fulfil the purpose.

The Appellant will endeavour to argue that due to the presence of piglets on site, there is a need for an on-site worker to deal with emergencies; however, this is simply not the case. It has not been demonstrated that there is a need for an on-site presence, even for dog breeding, the need for monitoring and responding to emergencies can be dealt with through the use of CCTV and someone living in reasonable proximity of the site. Dog breeding is carefully licensed by DEFRA, which is more onerous than pigs. Certainly there is nothing to suggest that an on-site presence is required for chickens.

Given there are properties in close proximity to the site, having regard to the site's proximity to the settlement boundary, there is no essential need for this dwelling to be on site and the Appellant provides no evidence to demonstrate to the contrary.

d) The proposal responds appropriately to the site's local context and the needs of the business in terms of design, scale and function.

The proposed dwelling is a 2 bed unit, there is nothing within the submissions that suggest a 2-bed dwelling is required for an on-site worker, this could reasonably be reduced to a 1-bed dwelling.

The design of the proposed dwelling is also somewhat random for this location. Whilst it may have been designed to be akin to an agricultural building that may be relevant to a farmstead somewhere, it bears no semblance of anything present on this site. The scheme has incorporated an 'apple silo' on a site that has no history of being an orchard or harvesting of this nature. Further, there are no buildings on stilts, which results in a more dominant and elevated structure within the Green Belt.

A building designed for this location would be a simple timber barn, single storey in its form, rather than something that would be seen as a contrived building in a sensitive location.

There is also a concern that the site block plan seems to show additional structures within what is the proposed curtilage that are not defined or clearly indicated.



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Regardless of the clear failure to comply with all criteria a-d of Policy CGB3, there are two additional statements:

Where accommodation is proposed in association with a new business, applicants will need to demonstrate the business is viable with secure future prospects as an exception to criterion (b).

No evidence appears to have been submitted to support this exception.

If a new home is deemed essential to support a rural business, it should first be permitted through a time-limited permission, or temporary accommodation such as a caravan. Permission for permanent dwellings will normally only follow in the event of a persistent need.

It is normal practice for a new business, that demonstrates an essential need for an on-site worker, for a temporary structure to be proposed, for a time-limited period, in the first instance, before proceeding to a permanent structure. This ensures that Applicants do not endeavour to obtain permanent planning permissions for dwellings that are simply not required in the long term.

This should have been the approach taken in this instance.

In short, there is no essential need for an established business and the Appellant has not demonstrated a need for a new business. Moreover, a temporary dwelling should be advanced in the first instance. The site is not in an isolated location.

Given the complete failure to comply with Policy CGB3 there are no 'very special circumstances' to justify a dwelling in this location.

The proposal is therefore by definition harmful to the openness of the Green Belt and should be refused.

Biodiversity

As set out in NHLP Policy SP1, the LPA will support development that protects biodiversity and green infrastructure. Similarly, Policy NE4 (Biodiversity and geological sites) advises that permission will only be granted where biodiversity is protected, enhanced and managed, and that all development should deliver measurable net gains for biodiversity. It also requests that an ecological survey is submitted commensurate to the scale and location of development.

The supporting ecology report advises that the site affects less than 25m² of habitat and is therefore exempt from the need for 10% Net Gain. The Environment Act advises that the base date for any BNG assessment is 2020. This is specifically to prevent sites from being stripped and Applicants claiming exemption.



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A simple review of Google Earth shows that this is the case here. As can be seen from the below image from September 2021, the site was grass with no presence of gravel and a bund.

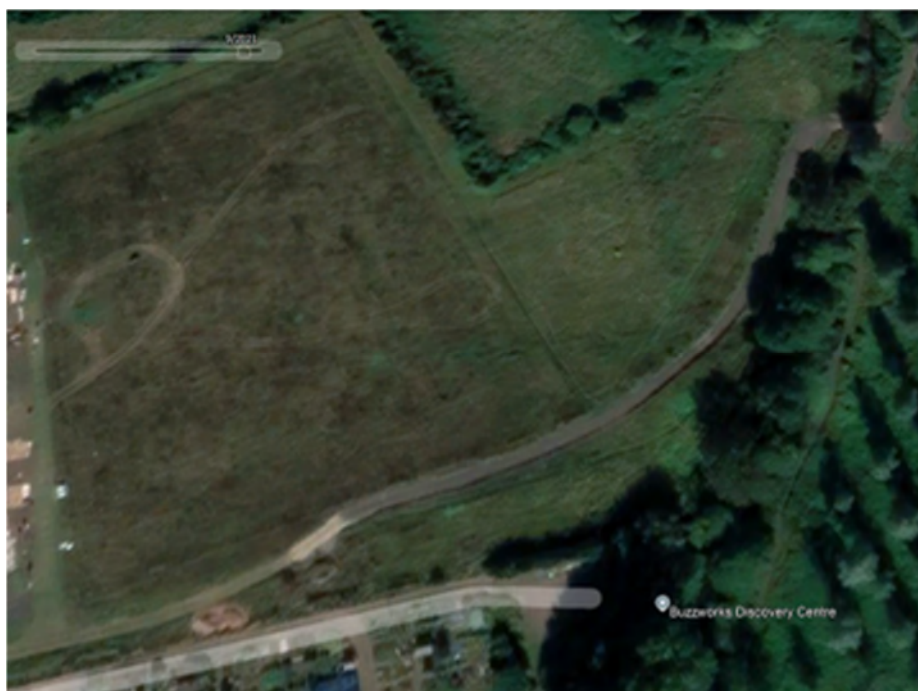


Figure 1: Google Earth September 2021

This can be compared with the below image from March 2022, where it is clear works have then commenced.



Figure 2: Google Earth March 2022

The Applicant should be required to address this site having regard to the 2020 base date and then required to provide 10% Biodiversity Net Gain.

Summary

As outlined in previous sections, there are fundamental flaws with the proposed development, there is no established business and only a half-hearted suggestion that there will be a livestock on site.

The site is not an isolated location and is not grey belt.

There is no evidence to demonstrate an essential need for this dwelling on this site and in any event there are other dwellings in close proximity that could fulfil the need for a dwelling. The proposal is therefore contrary to Policy CGB3.

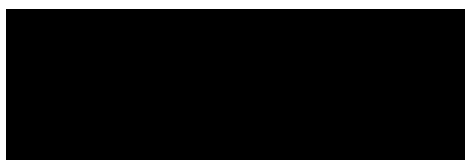
It is our opinion that the proposal constitutes inappropriate development in the Green Belt, with no very special circumstances provided to justify a grant of planning permission.

The design of the scheme is not suited to this location and has been elevated unnecessarily.

The proposal must have regard to the 2020 BNG base date and then provide 10% Net Gain.

Overall, the scheme conflicts with numerous Local and National Policies, and we therefore respectfully request that planning permission is refused.

Yours sincerely,



Liz Fitzgerald
Managing Director