

Comprehensive Objection to Planning Application 25/01696/OP

Application Reference: 25/01696/OP

Site: Land Adjacent to Elm Tree Farm, Hambridge Way, Pirton

Applicant: Gladman Developments Ltd

Case Officer: Naomi Reynard

Submitted on behalf of local residents by: Michael Campbell

Introduction

This representation is made collectively on behalf of the residents of Pirton. The proposal for up to 130 dwellings with access, infrastructure and landscaping is fundamentally incompatible with both national and local planning policy. It directly conflicts with the **National Planning Policy Framework (December 2024)**, the **North Hertfordshire Local Plan (2022)**, **Hertfordshire County Council's Place & Movement Design Guide (2021)**, and multiple **binding appeal precedents**.

The scheme's defects are not minor technical matters capable of being resolved at reserved matters stage or by planning condition. They go to the heart of whether development is deliverable in principle. This site has already been adjudged unsustainable by the Planning Inspectorate; its only proposed access is unsafe and incapable of lawful delivery; **Hedgerow H3**, legally safeguarded under Cala Homes' Condition 11 and approved Biodiversity & Habitat Management Plan (BHMP), cannot lawfully be breached; foul drainage capacity is already demonstrably inadequate, with **Anglian Water lodging a statutory objection**; and the site comprises **Grade 2 Best and Most Versatile farmland**, the unjustified loss of which is contrary to national guidance and case law.

On top of these fatal flaws, Pirton has already absorbed disproportionate growth compared with nearby settlements, and further development would overwhelm infrastructure and community character.

1. Unsustainable Location – A Matter Already Determined

In **Appeal Ref: APP/X1925/W/18/3198996 (2018)**, an Inspector dismissed a smaller scheme of 85 dwellings on this very site, concluding:

“The site is not located in an area well served by public transport or within easy walking distance of a range of everyday services. The development would therefore promote unsustainable travel behaviour by increasing car dependency, and relying heavily on unguaranteed travel plan measures and future service improvements which had not been secured.”

This conclusion remains binding. No material improvements have since occurred:

- Drovers Way south of No.30 remains without pavements.
- No cycleways or safe pedestrian routes have been introduced.
- Bus services remain infrequent and unreliable.
- No additional GP capacity or school places have been created.

On the contrary, the harm is aggravated by the fact that this proposal is **53% larger** (130 dwellings vs 85). The development remains unsustainable, in direct conflict with **NPPF paras. 11(d), 79, 85 and 115(b)** and **Local Plan Policies SP1, SP2, CGB1 and T1**.

2. Highways and Access – Unsafe, Unsuitable, and Unlawful

Because this application is **outline with access**, safe and suitable access must be proven now. The evidence shows it cannot.

Emergency Access

Hertfordshire's **Place & Movement Design Guide (2021, para. 10.8)** requires secondary emergency access for developments over 50 dwellings. None is possible here. Reliance on **Hambridge Way** is legally impossible: beyond No.10 it is a **bridleway and green infrastructure corridor**, never lawfully used by vehicles and incapable of lawful dedication. Any attempt to impose vehicular use would be **ultra vires** and open to challenge.

Pedestrian Safety

South of Coopers Elms, **Drovers Way narrows to 4.4m with no pavements**. Cala's 73 dwellings already force children and pedestrians into the carriageway. A further 500 daily trips from 130 homes would introduce intolerable risk, contrary to **NPPF para. 115(b)** and **Local Plan T1**.

Parking and Visibility

At Coopers Elms, on-street parking obstructs sightlines. **Manual for Streets 2** requires **2.4m x 43m splays** for 30mph roads, which are unachievable here. The Highways Officer confirmed during Cala's Car Park Management Plan discharge that once adopted under s38, the first 150m of Drovers Way will be **public highway with unrestricted parking**. Safe access cannot therefore be demonstrated.

MfS2 (para. 10.4.4) notes that parking near junctions is a key cause of collisions; this is precisely the hazard present.

Construction Access – Cala Precedent

Cala's Condition 6 (Construction Traffic Management Plan) was litigated at appeal. Cala succeeded **only because the Inspector found the wording technically satisfied**, not because safe access was proven. Circumstances are now worse: Cala's estate is fully occupied, with children, pedestrians, and parked cars throughout. HGVs, cranes, and construction traffic for 130 homes would have to negotiate this unsafe environment. As the Inspector held in **APP/D3125/W/21/3271671**, issues that go to the heart of deliverability cannot be left to conditions.

Junction Geometry – Fixed Constraint

Cala's approved drawings (17/01708/1DOC) confirm Holwell Road widths of only **4.651–4.843m**, with a junction radius of 5m. Modern standards require 5.5–6m. This geometry is fixed, incapable of improvement within the highway boundary, and thus a binding refusal reason.

3. Hedgerow H3 – A Legally Secured Ecological Corridor

Hedgerow H3 was safeguarded under Cala's 2016 permission (15/01618/1), **Condition 11**, discharged in 2017 (17/00369/1DOC). The approved BHMP required its **retention, reinforcement, buffer strips, dark corridors for bats, and perpetual management**.

This was not advisory: it was the basis upon which Cala's scheme was deemed acceptable. To breach H3 now would contradict an approved mitigation measure, undermining Cala's permission and exposing the Council to legal risk.

H3's ecological value is proven. It supports:

- **Bats (European Protected Species)** commuting/foraging along the corridor (Habitats Regulations 2017).
- **Nesting birds** (Wildlife & Countryside Act 1981).
- **Connectivity** as a priority habitat (NERC Act 2006, s.41).

Both **NPPF paras. 180–186** and **Local Plan NE1 & NE6** require protection of such networks. **Circular 06/2005** stresses that mitigation secured by condition cannot later be compromised. Inspectors have refused where conditioned hedgerows were threatened (APP/P1940/W/19/3230483, Three Rivers 2019).

Gladman's breach of H3 would be unlawful in planning terms.

4. Foul Drainage – Statutory Objection and Hydraulic Failure

Anglian Water has objected: “*no sustainable point of connection is available at present due to the risk of pollution.*” This engages **Section 94 of the Water Industry Act 1991**, which requires sewerage undertakers to ensure systems are effectually drained. AW’s objection confirms this duty cannot currently be met.

Hydraulic evidence shows:

- Existing ~400 dwellings generate **32–40 L/s**.
- Proposed 130 add **10–13 L/s**, total **42–53 L/s**.
- 150mm feeder sewer: capacity only **9–15 L/s**.
- 225mm Holwell Road main: **26–45 L/s** under ideal gradients.

The feeder is already overloaded; the main would be pushed beyond safe capacity in real-world conditions. Raw sewage surcharges already occur at West Street and Royal Oak Lane.

The **Design & Construction Guidance (2020)** requires adequacy to be proven before consent. As the Inspector held in **APP/D3125/W/21/3271671**, unresolved foul drainage is a matter of principle, not detail. To grant outline consent would be unlawful.

5. Best and Most Versatile Agricultural Land

The site is **Grade 2 Best and Most Versatile land**, recognised under Defra guidance as finite and nationally significant for food security. **NPPF para. 174(b)** requires protection of such soils.

Appeals confirm refusal where Grade 2 loss was unjustified:

- Bath (2023, APP/F0114/W/22/3308233).
- Newark (2023, APP/B3030/W/22/3311299).
- North Norfolk (2023, APP/K2610/W/21/3278065).

No exceptional justification is provided here.

6. Settlement Growth and Cumulative Impact

Pirton (2011 base: ~530 dwellings) has already absorbed 108 new homes, a **28% increase**. Gladman’s 130 would push growth beyond **35%**, far higher than Hitchin (+12%), Letchworth (+15%) or Royston (+25%).

This is inconsistent with **NPPF paras. 11(d), 79, 85** and **Local Plan SP2, SP5, SP6 and CGB1**.

Appeal precedent supports refusal where growth overwhelms villages: Leicestershire (2022, APP/X2410/W/21/3278139), Cheshire East (2016, APP/R0660/W/15/3138074), Newark (2018, APP/B3030/W/17/3185442).

7. Heritage, Climate, Infrastructure and Amenity

The site abuts the **Pirton Conservation Area**. Under **s.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990**, special attention must be paid to preserving its character. Development here would erode its “soft rural edge,” contrary to NPPF 208–210 and Local Plan HE1.

With no pavements, cycleways, or viable public transport, all trips would be car-based, undermining NPPF para. 8(c) and the Council’s Climate Change strategy.

No GP or school capacity is secured, contrary to NPPF paras. 95 and 122. Construction HGVs routed through Drovers Way would harm amenity, contrary to para. 185.

8. Conditions – Matters That Cannot Be Deferred

Because this application is **outline with access**, the Council must decide now whether access and drainage are deliverable. Both are matters of principle and cannot be conditioned.

Case law (*Newbury DC v Secretary of State* [1981] AC 578; *Midcounties Co-operative Ltd v Forest of Dean DC* [2017] EWHC 2050) confirms conditions cannot cure schemes fundamentally flawed in principle.

Hedgerow H3’s protection is also binding, and its removal would unlawfully undermine an existing consent.

9. Political and Community Context

The Council will be mindful of the new Government’s housing drive. But Ministers have been clear that delivery must come alongside infrastructure. Angela Rayner, Deputy Prime Minister, stated in May 2025 that:

“We will deliver housing that is not just numbers on a spreadsheet, but comes alongside the GP surgeries, schools and parks they need.”

This site fails that test. It is not Green Belt and cannot be advanced under Grey Belt policy. Its only justification must be sustainability – and on that measure, it fails.

Pirton has already absorbed growth at **three times the rate** of larger settlements nearby. Its lanes are substandard and unalterable; its foul network is collapsing; its services are full. Residents are not opposed to growth, but this site is incapable of absorbing more without severe harm.

Conclusion

This application is irreconcilably flawed. It conflicts with national and local policy, statutory consultee objections, case law, and binding appeal precedent.

Refusal is required for the following reasons:

1. The site is unsustainable, as already determined at appeal.
2. Safe and suitable access cannot be delivered.
3. Hedgerow H3 is a legally secured ecological corridor whose breach would be unlawful.
4. Foul drainage capacity is absent, with Anglian Water confirming no sustainable point of connection.
5. The site entails unjustified loss of Grade 2 BMV land.
6. Pirton has already absorbed disproportionate growth.
7. Development would harm the Pirton Conservation Area setting.
8. The scheme conflicts with climate and air quality objectives.
9. No capacity exists in schools or GP services.
10. Construction access would cause unacceptable amenity harm.
11. Fundamental defects cannot lawfully be resolved by condition.

For these reasons, the Council is respectfully urged to **REFUSE planning permission** for application 25/01696/OP.

Yours faithfully,

Michael Campbell