

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02791/FP	Erection of one 4-bedroom detached dwelling including bin store, parking, landscaping and reconfiguration of the existing public house car park and rear garden. Creation of vehicular access off Crab Tree Lane.	Motte And Bailey 1 Great Green Pirton Hitchin Hertfordshire SG5 3QD

Submitted Plan Nos

25.4585.050_P1 25.4585.100_P3 25.4585.101_P4 25.4585.052_P1 25.4585.051_P1 25.4585.102_P2
25.4585.103_P4

1.0 Policies

1.0 **Planning Policy**

1.1 North Herts Local Plan 2011 - 2031

- Policy SP1: Sustainable development in North Hertfordshire
- Policy SP2: Settlement Hierarchy and Spatial Distribution
- Policy SP9: Design & Sustainability
- Policy SP12: Green infrastructure, landscape and biodiversity
- Policy SP13: Historic environment
- Policy T1: Assessment of transport matters
- Policy T2: Parking
- Policy D1: Sustainable design
- Policy D3: Protecting living conditions
- Policy NE11: Contaminated land
- Policy HE1: Designated heritage assets
- Policy HE4: Archaeology

1.2 Pirton Neighbourhood Plan

- PNP1-Meeting Local and Wider Needs
- PNP2: Design and Character
- PNP8: Heritage Assets and Archaeological Heritage
- PNP11: Safety of Pedestrians, Cyclists, Equestrians and Motorists
- PNP13: Car Parking

1.3 National Planning Policy Framework (2024)

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

1.4 Supplementary Planning Documents

- Design SPD 2011
- Sustainability SPD 2024
- Vehicle Parking Provision at New Development SPD

2.0 **Site History**

2.1 81/01695/1: Land to south side of Crabtree Lane, Pirton

Erection of two detached houses and two double garages in outline (design and external appearance reserved). Refused by the District Council on 20th January 1982 for the following reasons:

- 1. The site is within an area wherein the Local Planning Authority apply Green Belt policies in accordance with the provisions of Policy Number 2 of the approved Structure Plan for the County of Hertfordshire. Within this area permission will normally only be given to new buildings, extensions or changes of use of existing buildings where essential to agriculture, where they involve small scale facilities for participatory sport or recreation or where required for other uses appropriate to a rural area. In the view of the Local Planning Authority, the application does not meet the criteria of the adopted policy nor do the reasons advanced by the applicant in support of the proposal demonstrate that there exists any special reason or justification to set aside the presumption against it. Moreover, the grant of permission in this instance would create an undesirable precedent for other similar proposals on adjoining land, contrary to the Green Belt policy referred to.*
- 2. By reasons of its location along the undeveloped frontage of the south side of Crabtree Lane and within the pleasant open foreground of St. Mary's Church and Toot Hill Monument, the scheme would result in an intrusive and unacceptable form of development to the serious detriment of the visual amenity, character and appearance of this part of the Pirton Conservation Area.*

The application was dismissed on appeal in September 1982.

3.0 **Representations**

3.1 Statutory consultees

3.2 **Historic England:**

Advises as follows (full details on web site) :

The application is not informed by an appropriate assessment of its heritage impact as NPPF 207 requires.

HIA should be updated to accurately reflect the location of the site within the bailey and then to discuss the significant implications of that in terms of the level of heritage harm and the application's response to it.

These steps are necessary to allow the LPA to understand and balance heritage harm in any NPPF-compliant decision.

Advises of the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.3 **Pirton Parish Council:**

Object. A Predetermination Archaeological Investigation is required which should include geophysics and all necessary trial trenching as supported by NPPF Paras 202-214 generally, and para 207 specifically, 203, Local Development Plan Policy HE1 and HE4 and Neighbourhood Plan Policy PNP 8.3.

Concern at loss of some of the pub garden space and loss of car parking. Possible additional congestion on Great Green.

Concern at loss of BNG

Inappropriate development on the south side of Crabtree Lane.

Potential adverse impact on highway safety.

Concern at height of proposed dwelling – a single storey dwelling should be considered

3.4 **Hertfordshire Highways:**

Raises no objections. Recommends conditions and informatives.

3.5 **North Herts Environmental Health team:**

Noise – recommends a condition re noise report

Air Quality – No concerns. Recommends a condition re EV charging

Contamination – Recommends a contamination condition

3.6 Other consultees

3.7 **North Herts Conservation officer:**

Raises an objection due to adverse impact on character and appearance of the Pirton Conservation Area

3.8 **North Herts Ecology officer:**

Concern at loss of lime tree and lack of assessment. Notes that off-site biodiversity units will need to be sought. Recommends the standard biodiversity net gain condition if approved.

3.9 **North Herts Tree Officer:**

Advises that the lime tree to be removed is in good condition and has a good expected retention span. Considers

3.10 **Hertfordshire County Council Historic Environment Advisor:**

Requires an archaeological trial trench evaluation

3.11 **Site Notice / Neighbour representations:**

Comment from neighbour at 2 Great Green:

1. The house would amount to a permanent obstruction of the sightlines to the Motte and Bailey castle which would lie directly behind it and as such would be an infringement of the provisions of the Ancient Monuments Act.
2. To grant such an application would be completely inconsistent with the rejection of several previous applications on the land which lies behind my house and the Motte and Bailey including some single storey applications. These were all rejected on the basis set out in 1 above. It would also encourage a belief that despite the protection of the Ancient Monuments Act planning should be allowed on that land.
3. The plan would lead to a reduction in parking spaces behind the Motte and Bailey which would lead to yet further congestion on Great Green which is a bus route.
4. Access via Crabtree Lane, which is the only option as my house shares the drive with the Motte and Bailey, would be very awkward especially as the bus and other traffic sometimes struggles even now with the width and sightlines on that corner.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.2 The application site comprises approximately 1678 sq metres of land currently used as part of the beer garden and car park to the Motte & Bailey public house located off Great Green. The site has a frontage to Crabtree Lane which is currently delineated by a timber fence with dense vegetation. The eastern boundary comprises a chainlink fence with a band of leylandii trees beyond the fence line outside of the site. A single semi-mature lime tree is located centrally within the site which is otherwise laid to grass. The south west section of the site currently forms part of the pub car park.
- 4.1.2 The whole of the site falls within the Pirton Conservation Area and forms part of 'Character Area One, The Medieval Settlement' as identified in the Pirton Conservation Area Character Appraisal and Management Plan (PCACAMP) (March 2023)
- 4.1.3 The Motte & Bailey public house is a non-designated heritage asset and noted in the PCACAMP as a building that contributes to the character of the Conservation Area.

4.2 **Proposal**

- 4.2.1 Erection of one 4-bedroom detached dwelling including bin store, parking, landscaping and reconfiguration of the existing public house car park and rear garden. Creation of vehicular access off Crab Tree Lane.
- 4.2.2 The application is supported by the following documents:
 - Planning Statement
 - Design & Access statement
 - Heritage Impact assessment
 - Noise Impact assessment
 - Biodiversity Net Gain Feasibility assessment
 - Energy statement
 - Archaeology desk based assessment
 - Transport statement
 - Aboricultural method statement and implications assessment
 - Preliminary Ecological Appraisal

4.3 **Key Issues**

4.3.1 The key issues are:

- Principle of development
- Impact on the character of the area
- Impact on heritage assets
- Impact on the future viability of the Motte & Bailey Public House
- Living conditions
- Highway access and car parking
- Sustainability
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

4.3.2 Principle of development

4.3.3 The application site falls within the designated village boundary as recognised in the local plan and neighbourhood plan. Pirton is identified as a Category 'A' village in the North Herts Local Plan (Policy SP2) within which 'general development will be allowed within defined settlement boundaries' (extract from Policy SP2 'Settlement Hierarchy and Spatial Distribution'). Similarly, the Pirton Neighbourhood Plan supports residential development within the village boundary (Policy PNP1) subject to several criteria. I consider that the development proposal as a whole meets, by and large, the criteria set out in PNP1 as follows:

- 1.1 The site is within the boundary of the village
- 1.2 It is a development of no more than 30 houses
- 1.3 It has regard to the needs of young families by providing 2/3 bedroom homes (although 4 bedrooms it is a relatively small dwelling with two single bedrooms for children)
- 1.4 Although not single storey, the proposed dwelling is relatively small and could be used as down-sizing accommodation by elderly persons
- 1.5 Housing mix – not relevant
- 1.6 Affordable housing – not relevant to this site
- 1.7 A construction management plan could be conditioned

4.3.4 In broad locational terms it is considered that there can be no objection in principle to the proposed additional dwelling - subject to all other material considerations which are discussed below.

4.3.5 Impact on the character of the area

4.3.6 The main concern is the introduction of built form on this southern side of Crabtree Lane where there is currently none between the Motte & Bailey and the war memorial (a distance of 160 metres). The exception to this is 'The Vicarage' which was allowed on appeal in September 1982 (ref: 81/01653/1) however the appeal Inspector considered there were special circumstances in that case (i.e. an essential local need in connection with the church) and that on that basis the decision would not prevent other applications from being determined on their merits.

- 4.3.7 Unlike the Vicarage, the application site is very small and would be close to the road frontage and lacks the height and depth of landscaping necessary to obscure it from public views. The new driveway and footway would add further urbanising effects to the street scene which would be at odds with the distinctly rural and undeveloped character of this side of Crabtree Lane.
- 4.3.8 The proposed dwelling would also be visible (particularly its roof) from the higher ground within the motte & bailey scheduled monument to the east further eroding the sylvan and open character of the area.
- 4.3.9 Policy SP9 of the Local Plan supports new development where it is well designed and located and responds positively to its local context. This would not be the case with the proposed development which introduces a markedly urban and intrusive form of development into a location which is hitherto undeveloped and dominated by soft landscaping.
- 4.3.10 Policy PNP 2 of the NP relates to Design and Character of new development. It requires new development to recognise, respect and reinforce the distinct rural character of the village. The development is not compatible with the undeveloped character of this part of the village at the edge of the Motte & Bailey monument in conflict with Policy PNP2 .
- 4.3.11 It is acknowledged that the appeal decision in 1982 dismissing development for two detached houses on part of the Motte & Bailey pub site is some time ago and that there have been many changes in planning policy both at a national and local level since that time for e.g. the Framework being introduced, changes in the adopted local plan and the publishing of the Pirton Neighbourhood Plan. That said, there has been no change in the sensitivity of the location and virtually no built development allowed on this south side of Crabtree Lane.
- 4.3.12 Given the above analysis I consider that the proposal would be an inappropriate and visual intrusive form of development that would be harmful to the character and appearance of the area.
- 4.3.13 Impact on heritage assets
- 4.3.14 The proposed development would impact on the setting of several historic assets. These are the Pirton Conservation Area and the Toot Hill Scheduled Monument as well as the non-designated Motte & Bailey Public House. Archaeological historic assets are also potentially affected.
- 4.3.15 The submitted Heritage Impact statement provides a Statement of Significance assessing both the Pirton Conservation Area and the Toot Hill scheduled monument. The assessment considers that the overall effect on the setting and significance of the scheduled monument will be neutral and that there would be no harm. Historic England disagrees with the submitted report stating:

'The submitted HCUK Heritage Impact Assessment (HIA) unfortunately does not recognise or discuss this important aspect of the site's heritage and I am unable to agree with its conclusion that the proposals create no harm to the significance of the Scheduled Monument, comprising as they would, new development inside its bailey.

The submitted HCUK Archaeological Desk-Based Assessment (DBA) does recognise the location of the application site within the castle bailey. This information should have

informed the organisation's HIA. The assertion in the HIA that the application site has no intrinsic heritage significance (para 3.14) is incorrect.

Currently there is uncertainty to the significance of the buried archaeology at the site and whether any might be deemed undesignated archaeological heritage of demonstrably equivalent significance to a Scheduled Monument. Good survival of the castle's bailey ditch beneath the site, and any contemporary archaeological evidence in it, would be highly significant undesignated heritage, potentially equivalent to that of the designated scheduled monument.

Residential development within the castle's western bailey would harm any surviving buried remains directly associated with the use of the nationally-important designated asset, potentially including what would be highly significant buried evidence of the bailey's boundary earthworks.

Residential development would also harm appreciation of the Scheduled Monument and its setting, through introducing a two storey pitched roof building, 1.8m high acoustic fence, a driveway and new landscaping to the former bailey area which in the historic era was open ground that only ever hosted outbuildings further to the west associated with the pub. The proposed elements would be alien to a castle bailey and would obscure the physical and historic relationship between the motte, its bailey and the village.'

4.3.16 The applicant's submitted heritage statement in respect of the impact on the scheduled monument is brief and simplistic, lacks historical analysis and fails to appreciate the importance of the setting of the monument. Its conclusions are far from compelling. Historic England's comments set out how great weight should be given to the asset's importance and significance and make it clear that the submitted heritage impact assessment has underplayed the importance of the impact of the development on the scheduled monument.

4.3.17 The submitted Heritage Statement is similarly lacking in depth and historical analysis of the impact of the development on the Pirton Conservation Area. It justifies the development solely on the basis of the more modern development along the northern side of Crabtree Lane. The assessment in paragraph 4.5 is not convincing. By comparison the Council's Conservation officer assessment and conclusions are far more robust and I would agree with the officer's conclusion that:

'...the proposed dwelling would occasion a moderate degree of less than substantial harm to the Pirton CA and for which the applicant has not provided a convincing justification'

4.3.18 In summary it is considered that the development would have a greater impact on the Conservation Area and scheduled monument than is suggested in the submitted heritage statement which fails to appreciate that the application site is located in an area sensitive to change, the south side of Crabtree Lane having remained relatively undeveloped for many years.

4.3.19 The Conservation officer has concluded that the harm would be moderate on the less than substantial continuum. I would agree with this assessment and although less than substantial this still requires clear and convincing justification and great weight should be given to the conservation of the heritage assets (NPPF 212) and any harm should require clear and convincing justification (NPPF 213). Paragraph 215 of the Framework indicates that such harm is to be weighed against the public benefits of the scheme. .

4.3.20 In conclusion on this issue, the proposal would cause less than substantial harm to the identified designated heritage assets. Less than substantial harm does not equate to a less than substantial objection. Heritage assets are irreplaceable and as indicated above great weight must be given to this harm and any harm or loss requires clear and convincing justification. Whether the public benefits of the proposal outweigh the harm shall be considered later in this report and whether the proposal would be contrary to paragraphs 213 and 215 of the Framework.

4.3.21 Impact on the future viability of the Motte & Bailey Public House

4.3.22 The development would result in the loss of part of the pub's beer garden and play area. That said the pub has other external seating areas at the side and front of the pub and patrons will still be able to enjoy these external areas albeit less generous and less practical and safe for children than the current rear beer garden and playspace which is more contained. Although there would be some diminishment of the external seating area to the pub, on balance, this would not be considered fatal to it attracting customers especially when considering that these areas are largely limited to use during the summer months.

4.3.23 Living conditions

4.3.24 The application is supported by a Noise Assessment which determined the impact of the following noise sources on the occupiers of the proposed dwelling:

1. Noise associated with the public house garden
2. General activity of the public house, car park & kitchen noise
3. Noise associated with vehicular traffic using the local road network

4.3.25 The executive summary states:

'The proposed dwelling should not be adversely affected by the noise associated with the public house garden, car park or road traffic. The measured noise levels are consistent with a relatively quiet road network and in addition the bespoke calculations for the variety of noise sources also indicate that the future residents should not be adversely affected. The public house closes at 11pm Monday to Saturday and 2200pm Sunday so it is highly unlikely that the noise associated with the venue will have an adverse impact on the dwelling and certainly not during the night time period. It is anticipated that the noise associated with the weekend period will be the worst-case scenario and therefore the assessment was undertaken over a weekend period during hot weather. By assessing the above noise sources, it is anticipated that a detailed approach to the proposals has been undertaken. The report clearly shows the required sound reductions needed for the scheme & these measures can be implemented to the residential dwellings to ensure the necessary criteria is achieved'

4.3.26 The mitigation measures proposed in the Noise report are set out below and all seem achievable:

- Careful configuration of dwelling – principal bedrooms located away from the PH garden & car park
- Measures applied to the dwellings to improve overheating & ventilation
- Install a robust glazing system to the dwelling to protect the residents from the external noise emissions when closed

- Alternative ventilation installed to dwelling to ensure ventilation when windows closed (although it can be naturally ventilated via open windows)
- 1.8m high acoustic fence erected along the boundary between the dwelling garden & the decking area & car park

4.3.27 Given the findings of the submitted noise report and that there is no objection raised by the Council's Environmental Health officer I consider that the proposed living conditions of the prospective occupiers would be acceptable in accordance with Policy D3 of the Local Plan.

4.3.27 Highways, access and car parking

4.3.28 The proposal is to create a new vehicular access and provide a short new footway and pedestrian crossing. There is no requirement for a refuse vehicle to enter the site in this case with refuse being collected from the highway. The submitted details demonstrate that visibility sight lines can be achieved in both directions from the access point.

4.3.29 No objections are raised by the highway authority to the additional dwelling in terms of the impact on the highway network and conditions are recommended to deal with details of the access, pedestrian crossing and footway.

4.3.30 Three parking spaces are provided (which meets the Local Authority and Neighbourhood Plan standards) and vehicles can pull out in forward gear. There is adequate refuse and cycling provision.

4.3.31 Sustainability

4.4.32 The development site is within a Category A village which has a range of local facilities (e.g. shop, primary school, recreation ground, pubs, café, church) and a regular bus service into Hitchin and other villages. The development could not be considered unsustainable in location terms.

4.3.33 The application is supported by an energy statement which states that the development will achieve a 32% reduction on the Building Regulations Target Emission rate incorporating the following range of sustainability measures:

- *Sufficient glazing will be provided to the dwelling to ensure enough natural lighting, thus reducing the energy consumed in the artificial lighting of the room.*
- *High levels of insulation across all thermal elements within the builds.*
- *Addressing thermal bridging limits heat loss across junctions.*
- *High levels of air tightness to be achieved within the construction of the dwelling to reduce unnecessary heat loss.*
- *Window and doors achieving minimum standards of efficiency with the Building Regulations.*
- *Natural ventilation is the most energy-efficient form of ventilating a space. To this end, the dwellings will be naturally ventilated via open-able windows and trickle vents.*
- *100% dedicated low-energy lighting.*
- *All external light fittings will be provided with energy-efficient light bulbs with appropriate control systems for efficient usage.*
- *Use local suppliers for materials to reduce transportation costs and ensure responsible sourcing.*
- *Retaining existing trees and providing hedgerows to help with CO2 absorption to improve air quality.*

4.3.34 Given the above, it is considered that the development will comply with the requirements of the Council's Sustainability SPD

4.4.35 Biodiversity net gain, Landscape and Ecology

4.4.36 The submitted Ecological Assessment states that no protected species will be impacted.. A new hedge and trees are to be provided within the site area however off site BNG compensation will be required. The standard BNG condition can be imposed if planning permission were to be granted.

4.4.37 There will be some landscape harm through the removal of part of the front hedgerow and the loss of the lime tree within the site (Tree T1 on the submitted Arboricultural Assessment plan). New and existing trees and hedgerow will be close to the proposed dwelling and there may well be pressure to remove some of this landscaping in the future from the occupiers of the new dwelling. This will open up the site to public views and further diminish the landscape character of the area. As such it is considered that the adverse landscape of the proposed development counts significantly against the proposal.

4.3.38 Planning balance

4.3.39 The proposal would deliver a single dwelling which will make a positive albeit limited contribution to the local housing stock. Minor to moderate economic and social benefits would arise through the delivery of 1 dwelling helping towards the districts housing supply and some boost to the local economy. However, there are less than substantial heritage impacts and significant landscape impacts, which together weigh significantly against the proposal.

4.4.40 In terms of whether the tilted balance should apply, as the Council currently cannot demonstrate a 5-year supply of housing for applications, the titled balance as set out at NPPF Paragraph 11 is potentially engaged. However, it is considered that the proposal would cause a moderate level of harm on the 'less than substantial harm' continuum to the significance of nearby heritage assets including the Pirton Conservation Area and the Toot Hill Scheduled Monument. The NPPF stipulates that great weight should be attributed to this harm. The relatively minor public benefits that would arise from this proposal would be outweighed by the identified harm. Therefore, the proposal conflicts with policies that protect areas or assets of particular importance (in this case designated heritage assets) and this provides a clear reason for refusal. As such, under the provision of footnote 7 of paragraph 11 of the NPPF, the presumption in favour of granting planning permission under paragraph 11d) is disengaged and planning permission should be refused for the reasons set out.

4.4 **Conclusion**

4.4.1 For the reasons outline above the proposed development is considered unacceptable in planning and heritage terms.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The application site lies within Pirton Conservation Area (PCA) and is adjacent to but outside of the scheduled monument of "Toot Hill motte and bailey castle and shrunken medieval village at Pirton" (NHLE no. 101232). Whilst forming part of the curtilage to The Motte and Bailey PH, the site is currently undeveloped and occupies part of the western portion of the mediaeval castle's bailey (the presence of two castle baileys is unusual, but it is acknowledged that the western bailey is now largely destroyed). Along this south side of CrabTree Lane are Pirton War Memorial (grade II) and St Marys Church (grade I) together with The Vicarage. This is a sensitive area to change, and the proposed dwelling would be a notable addition that would not only impact upon the setting and significance of the SAM but would also have an erosive impact upon the character or appearance of the PCA. Introducing a two-storey pitched roof building, 1.8m high acoustic fence, a driveway, footpath and new landscaping to the former bailey area would have an urbanising impact that would be alien to a castle bailey and would obscure the physical and historic relationship between the motte, its bailey and the village. This will impact upon the established verdant character of this part the PCA. The proposal will fail to satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of para 135(c) and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm would be moderate on the less than substantial harm continuum. Whilst the delivery of 1 dwelling may well be regarded as a public benefit this would not outweigh the harm identified.
2. The proposed development would introduce a two storey dwelling onto the southern side of Crabtree Lane which is largely characterised by the absence of built development and its well landscaped, sylvan appearance. The proposed development would result in an alien and intrusive form of development that would be at odds with this open and well landscaped character. As such the development would be contrary to Policies SP9 and D1 of the Local Plan and Policies PNP2 and 3 of the Neighbourhood Plan.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 31 March 2026	