

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00461/FP	Replacement entrance gates and formation of permeable concrete bell mouth entrance way off Holwell Road, with timber post and rail fencing on either side of entrance way.	West Lane Farm West Lane Pirton Hertfordshire SG5 3QP

Submitted Plan Nos

Entrance Site Location Plan Existing Entrance BNG Site Plan Proposed Entrance Site Plan Detail
Proposed Entrance BNG Site Plan HST/0700/005- Longitudinal Jointing Details HST-0300-009- Nailed
Wooden Post And Three Rail Fence Type MPR & SPR HST/0300/009 Metal Field Gate with weldmesh
clad bottom

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

2.1 19/01432/FP - Creation of vehicular access onto West Lane – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **Parish Council** – Objection.:

- Access previously approved on West Lane was approved due to existing agricultural uses within the site.
- Farm buildings are now redundant due to conversion applications.
- Cites previous determination, concluding that the access was adequate and questions why a new access is proposed considering previous access was deemed suitable.
- Questions need for access given conversion of buildings.
- Requests clarification and agrees with Highways representation seeking closure of access to site.
- Harm to countryside and biodiversity.

Ward councillors were notified, and advised that no call in would be made provided the Highways recommendations were applied.

3.3 **Ecology** – Does not object but recommends the inclusion of BNG condition.

3.4 Highways –

18 March 2025 – Objection:

- Recommends refusal with following reasoning “In principle the access would be approved as there is a betterment in terms of safety. However, for the application to be approved the existing access would need to be closed, otherwise adding a second access would introduce another area of conflict with farm vehicles and road users. A plan showing the closed access should be provided.”

25 April 2025 – Does not wish to restrict grant of permission. Recommended conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises West Lane Farm, off Holwell Road. As existing, a gate is present with access also off West Lane. The site is within the Green Belt and is outside of the Pirton settlement boundary.

4.2 **Proposal**

- 4.2.1 Planning Permission is sought for the replacement of an existing entrance gate with a permeable concrete bell mouth entrance off Holwell Road, with timber fencing.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of the development in the Green Belt.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of the Development in the Green Belt:

- 4.3.2 The site is in the Green Belt, as designated by the Local Plan 2011-2031. Paragraph 155 within the NPPF set out which types of development are not inappropriate, with this paragraph stating:

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.3.3 I consider that exception b) within Paragraph 155 is of relevance given that the proposed access would comprise an engineering operation. The siting of the access is within open countryside outside of Pirton, and would sit at the brow of a hill, with fields falling away to the west. An appeal decision was provided by the applicant to support the development, with this decision considering such development to fall under b. under Paragraph 155 subject to the preservation of the openness of the Green Belt. The decision considered that the low profile of landscaping and the predominantly ground-level height of the access would not detract from the openness of the Green Belt in this location. Given the relatively low height of the proposed development, and given that the access is proposed for use by agricultural vehicles, I consider that the proposed development would not harm the openness of the Green Belt in this location and would comprise an exception under Paragraph 155. The development is therefore not inappropriate development in the Green Belt, and is therefore in compliance with Policy SP5 of the Local Plan 2011-2031 and Section 13 of the NPPF.

Design and Appearance:

4.3.4 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

4.3.5 The application site is situated in a rural part of the district, with verdant, rolling fields surrounding the site along a relatively narrow stretch of road towards Pirton. The appearance of the gates would reflect the agrarian use of the site and area. The proposed track would lead into a field as part of the wider holding, and would result in an interface where the hardstanding would meet the unpaved surface of the field. It is indicated that the use of the bell mouth is for agricultural vehicles, to divert vehicles away from West Lane and the centre of Pirton. The applicant has advised that vehicles are not proposed to be stored at the entrance of the access, and that vehicles would be brought to and from the site to tend to the holding. The rationale is to remove possible vehicle conflicts by bringing the vehicles into the site in this location rather than push agricultural traffic through the centre of Pirton and to provide a hard surface for vehicles to enter Holwell Road to allow for vehicles to grip the road surface whilst driving out from the site. I consider that the proposed landscaping, widened access and interface at Holwell Road would be acceptable in design terms, and would reflect the agricultural nature of the locality. The set-back nature of the gates and fencing are considered to suitably soften visual impacts.

4.3.6 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.7 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.8 The isolated nature of the site is considered to mitigate harm to neighbouring properties by reason of a loss of light or from dominance that could arise. Noise generation is considered to be improved for residents in Pirton due to vehicles being diverted to Holwell Road.
- 4.3.9 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.10 Hertfordshire Highways have made representation and have advised they do not wish to restrict the grant of permission provided the existing access onto Holwell Road is closed, and a condition is implemented requiring the improvements be made before the access is brought into use by vehicles. An updated plan has been provided, indicating the closure of the existing access onto Holwell Road. Subject to the suitable implementation of the condition and the removal of the access, the Highways Authority do not object, and therefore I do not consider that highways impacts would be harmful.

Environmental Implications:

- 4.3.11 The Council ecologist has advised that the development would be bound to deliver 10% BNG, and the information submitted indicates that >11% is deliverable as per submitted documentation. Policy NE4 of the Local Plan 2011-2031 would therefore be complied with.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing Ref (Proposed Entrance Detail) shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. The existing entrance onto Holwell Road, as shown on 'Existing Entrance Site Plan' shall be permanently closed and removed prior to the first use of the entrance hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, to comply with Policy T1 of the Local Plan 2011-2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply
(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

2. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.
3. The applicant is advised in the view of the LPA if a track is needed to connect to the access then planning permission for this will be required ahead of any works taking place on site.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 June 2025	