

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

APP/X1925/W/25/3362553

DATE OF HEARING: 8 July 2025

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

ADDRESS: Land at New Pound Farm, East Side of Old Hale Way, Hitchin, SG4 0SA ('the Appeal Site')

PROPOSAL: Erection of one detached 2-bed farm workers dwelling.
('the Appeal Proposal')

APPELLANT: Mr Bruce Parker ('the Appellant')

LOCAL PLANNING AUTHORITY: North Hertfordshire District Council ('the Council')

PLANNING APPLICATION REFERENCE: 24/02009/FP ('the Application')

This statement addresses the following areas of common ground:

1. Introduction
2. The Appeal Site
3. The Local Area
4. Planning History
5. Appeal Proposal
6. Development Plan (Adopted AND Emerging) and Supplementary Planning Guidance
7. National Policy and Other Guidance
8. Areas of Agreement
9. Areas of Disagreement
10. Conditions and Obligations
11. Other Matters

1. INTRODUCTION

1.1 This Statement of Common Ground (SoCG) has been prepared on behalf of the Appellant and agreed with North Hertfordshire District Council ('the Council').

1.2 The SoCG has been prepared in relation to an appeal under Section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission by the Council, under application reference 24/02009/FP by decision notice dated 28/11/2024.

1.3 The description of development was as follows:

"Erection of one detached 2-bed farm workers dwelling."

1.4 The Application was refused for one reason as follows:

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.

1.5 The purpose of the SoCG is to identify areas of agreement between the Appellant and the Council in order to narrow down the issues that remain in dispute and in doing so allow the appeal to focus on the main issues.

1.6 The Appellant intends to work with the Council to narrow down the areas of dispute as far as possible, prior to the commencement of the hearing. It is envisaged that the

final SoCG will be agreed and signed between the parties and submitted in advance of the start of the date of the hearing.

2. THE APPEAL SITE

- 2.1 The Appeal Site is a small parcel of land forming part of an agricultural holding located to the east side of Old Hale Way and located in the Green Belt between Hitchin and Ickleford. The main part of the Appeal Site lies in the south-western corner adjacent to an existing agricultural barn and the related farm yard. Other agricultural buildings are proposed to be and/or have been erected within this part of the Appeal Site as agricultural permitted development including polytunnels and a storage building.
- 2.2 The front part of the site lies adjacent to Old Hale Way with an existing field access being located in the south-eastern corner of the field. The wider part of the holding extends as far east as the railway line and as far north as Icknield Way which is a Byway Open To All Traffic (BOAT, 018). Footpath 026 splinters from the BOAT and runs vertically through the site before crossing the railway and terminating at the industrial estate. Both of the PRow's are outside of the red line application site.
- 2.3 Residential properties fronting Old Hale Way are located to the south of the site along with Council-owned allotments which extend to the rear of approximately 20 of the gardens belonging to the above referenced houses. The allotments are accessed by a vehicle track which is situated adjacent to the existing field access to the application site and runs parallel to its southern boundary.
- 2.4 Access to the Appeal Site is from an existing field access located in the south-western corner adjacent to Old Hale Way/Arlesey Road.
- 2.5 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within or adjacent to the Appeal Site or that would be affected by the Appeal Proposal.
- 2.6 The Appeal Site is fully within Flood Zone 1.
- 2.7 No Tree Preservation Order's (TPO's) are present on the Appeal Site.

2.8 The Appeal Site is not (in the context of paragraph 180(a) of the National Planning Policy Framework (the 'NPPF') a valued landscape and is not subject to any landscape designation.

3. THE LOCAL AREA

- 3.1 The Appeal Site is located on the northern edge of the town of Hitchin, to the south of the village of Ickleford.
- 3.2 Residential dwellings are situated immediately to the south of the site fronting Old Hale Way. Further residential and other buildings are situated to the north fronting Arlesey Road between the Appeal Site and Ickleford.
- 3.3 Council-owned and operated allotments are situated to the south of the Appeal Site. These are accessed by an access positioned immediately to the south of the access to the Appeal Site.
- 3.4 Hitchin is a town located within the local authority area of North Hertfordshire District Council (NHDC). North Herts covers a large area and is served by a number of towns including Hitchin, Letchworth Garden City, Royston and Baldock, and a number of villages and hamlets that provide services to their respective catchment areas.
- 3.5 The Appeal Site is located immediately at the edge of Hitchin which is a historic market town and is located approximately 200m from the defined settlement boundary of Ickleford. There are a number of smaller villages and hamlets surrounding the town which benefit from services and facilities offered within Hitchin.
- 3.6 The Appeal Site is located approximately 1.65 kilometres from Hitchin Railway Station, which provides direct and frequent services to London, Cambridge and Peterborough amongst other destinations.
- 3.7 Hitchin is located on the A505 which connects the town with Luton and Cambridge, the A600 which connects the town with Bedford, and the A602 which connects the town with Stevenage. The town is also well frequented by a number of buses, providing destinations to nearby towns and villages.
- 3.8 The Appeal Site is situated at the edge of Hitchin which has a wide range of local services and facilities and is capable of supporting new development, and near to Ickleford which has a smaller range of local facilities and services. The Appeal Site is

located within walking distance of a number of essential facilities and services including schools, shops, parks and leisure facilities and public transport options.

4. PLANNING HISTORY

4.1 Planning history relevant to the Appeal Site is as follows:

Ref.	Site Address	Proposal	Decision (Decision Date)
24/02009/FP	Land to the East of Old Hale Way, Hitchin	Erection of one detached 2-bed farm workers dwelling.	Refused 28/11/2024
24/01920/FP	Land to the East of Old Hale Way, Hitchin	Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.	Refused 26/11/2024 APPEAL PENDING
23/01652/FP	Land to the East of Old Hale Way, Hitchin	Change of use of agricultural land to community car park together with road scalping tar macadam surfacing, new gates and associated tree planting and landscaping.	Withdrawn
22/02698AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of 1no. Water Tank for Agricultural Purposes.	Granted 02/11/2022
22/02697/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of timber clad outbuilding.	Granted 02/11/2022
22/02694/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Single storey side extension to existing agricultural barn	Granted 02/11/2022

22/02695/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of polytunnel	Granted 02/11/2022
22/02693/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of polytunnel	Granted 02/11/2022
21/03485/LDCP	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Continued use of existing agricultural land for use as private allotments	Granted 28/03/2022
21/01962/FP	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Retention of new vehicular/pedestrian bridge over the River Hiz and new farm track (retrospective application)	Granted 17/03/2022
20/00617/AG	Land east of Old Hale Way, Hitchin, Hertfordshire	Agricultural building to store machinery and other such equipment required to farm the land	Granted 24/03/2020

5. APPEAL PROPOSAL

- 5.1 The description of the Appeal Proposal is as follows:

“Erection of one detached 2-bed farm workers dwelling.”

- 5.2 Proposed is a detached two-bedroom dwelling to provide tied accommodation for an agricultural worker to reside on site in association with the agricultural use of the site. The proposed dwelling would be situated in the south-western corner of the roughly rectangular shaped field adjacent to the south side of Arlesey Road/ Old Hale Way. The dwelling would be located immediately to the south of an existing agricultural barn within the main farmyard.
- 5.3 The proposed dwelling would have the scale of a small bungalow with a two-storey corrugated apple silo incorporated within the design. The ground floor of the proposed dwelling would contain one bedroom, a bathroom/boot room with an open plan dining and kitchen space. A second bedroom would be located within the upper storey of the apple silo. The proposed dwelling would have a small terrace to the side facing the river with a glazed roof canopy.
- 5.4 Proposed materials to include Arlesey white bricks, corrugated iron sheets, apple silo (all reclaimed) and re-used timber and double-glazed windows/doors.

Means of Access

- 5.5 Access to the proposed farm workers dwelling would come via the existing vehicular access to the site off Old Hale Way.

Application Documentation

- 5.6 A full list of documents which form the basis of the application and appeal are contained within the Core Documents List.

Dates

- 5.7 The Planning Application was registered by the Council as being valid on 9th October 2024.
- 5.8 The decision was made by the Development & Conservation Manager under powers delegated to him by the Council. The decision notice was issued on 28th November

2024.

The Appeal

5.9 The Appeal was originally lodged on 18th March 2025.

6. DEVELOPMENT PLAN (ADOPTED AND EMERGING) AND SUPPLEMENTARY PLANNING GUIDANCE

Legislative Background

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 together require that applications for planning permission be determined in accordance with the Development Plan, read as a whole, unless material considerations dictate otherwise.

The Development Plan

- 6.2 The Development Plan context for the Appeal is provided by:
- North Hertfordshire Local Plan 2011-2031
- 6.3 The Council are currently able to demonstrate a 3.9-year supply of land for housing. As such, the policies which are most important for determining the application are out-of-date and the 'tilted balance' set out in paragraph 11(d) of the NPPF would normally be engaged.
- 6.4 There is no Neighbourhood Plan that has been 'made' nor is one being prepared in relation to the Appeal Site.
- 6.5 Relevant Development Plan policies are as follows:

Strategic Policies

- 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 SP9: Design & Sustainability
- Policy SP10: Healthy Communities
- Policy SP12: Green Infrastructure, Landscape and Biodiversity

Development Management Policies

- Policy CGB3: Rural Workers' Dwellings

- Policy T1: Assessment of Transport Matters
- Policy T2: Parking
- Policy D1: Sustainable Design
- Policy D3: Protecting Living Conditions
- Policy NE2: Landscape
- Policy NE4: Biodiversity and Geological Sites

Supplementary Planning Documents/ Guidance

- Vehicle Parking at New Development SPD (September 2011)

7. NATIONAL POLICY AND OTHER GUIDANCE

National Planning Policy

- 7.1 The National Planning Policy Framework (December 2024) (the 'NPPF') is a material consideration in the determination of the Appeal. Relevant sections:
- Section 2: Achieving sustainable development
 - Section 5: Delivering a sufficient supply of homes
 - Section 6: Building a strong, competitive economy
 - Section 8: Promoting a healthy and safe community
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land
 - Section 12: Achieving well-designed places and beautiful places
 - Section 13: Protecting Green Belt land
 - Section 14: Meeting the challenge of climate change, flooding and coastal changes
 - Section 15: Conserving and enhancing the natural environment
- 7.2 The online Planning Practice Guidance (PPG) is a material consideration in the determination of the Appeal.

8. MATTERS OF AGREEMENT

Five Year Housing Land Supply

- 8.1 The Council are unable to demonstrate a five-year housing land supply (5YHLS). It is agreed that the Council is able to demonstrate no more than a 3.9-year housing supply. It is agreed therefore that there is a housing land supply shortfall.

Green Belt

- 8.2 The Appeal Site is located within the Green Belt.
- 8.3 Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless (paragraph 11(d)(i)) the application of policies within the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (paragraph 11(d)(ii)) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.4 Footnote 7 of the NPPF confirms that the policies referred to in para. 11(d)(i) include those relating to the Green Belt.
- 8.5 Paragraph 153 of the NPPF sets out that inappropriate development in the Green Belt is, by definition, harmful and should not be approved, except in very special circumstances.
- 8.6 Paragraph 153 of the NPPF sets out that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.7 The site is within Parcel 13/13c of the Green Belt, as defined within the North Herts Green Belt review 2016. The review identifies Parcel 13/13c as playing a significant role in checking the unrestricted sprawl of large built-up areas, plays a significant role in preventing the merger of Ickleford and Hitchin and plays a moderate role in

safeguarding encroachment into the countryside. The review concludes that Parcel 13/13c makes a significant contribution to the purposes of the Green Belt.

- 8.8 Within the North Herts Green Belt Review 2018, parcel 13c is designated as benefitting from low Visual Openness, and low/mixed Physical Openness. 13c is also considered to make a Moderate contribution to Safeguarding Countryside and a Significant contribution to the Overall purposes of the Green Belt.

Locational Sustainability

- 8.9 The parties agree that the Appeal Site is in a sustainable location with respect to access to local services and facilities.

Landscape & Visual Impact

- 8.10 The Appeal Site is not a 'valued landscape' in the context of NPPF paragraph 180(a).
- 8.11 The parties agree that the Appeal Proposal would be acceptable in design terms and would not be harmful to the character and appearance of the area.

Highways & Parking

- 8.12 Hertfordshire County Council did not raise any objection to the Application on the grounds of highways safety. It is agreed by the parties that the Appeal Proposal would not be harmful to highways safety.
- 8.13 It is agreed by the parties that the Appeal Proposal is provided with sufficient parking provision to meet policy requirements.

Impact on Living Conditions

- 8.14 The parties agree that the Appeal Proposal would not be harmful to the living conditions of neighbouring properties.

Biodiversity

- 8.15 It is agreed by the parties that the Appeal Proposal would not impact upon UK or European protected species.
- 8.16 It is agreed by the parties that the Appeal Proposal would meet the 'de-minimis' exemption in respect to mandatory Biodiversity Net Gain. It is agreed that other

ecological enhancements described in the ecological assessment for the site could be implemented by way of a condition requiring their implementation.

Flood Risk

- 8.17 It is agreed by the parties that the Appeal Proposal would not have any flood risk implications.

Land Contamination

- 8.18 It is agreed by the parties that matters relating to land contamination could be addressed by way of a planning condition.

Planning Balance

- 8.19 It is agreed by the Parties that, as a result of the Council being unable to demonstrate a 5YHLS, the 'tilted balance' set out in paragraph 11(d) of the NPPF would normally be engaged.

9. AREAS OF DISAGREEMENT

9.1 A revised NPPF has been published since the determination of the Application. This introduces elements highly pertinent to the determination of the appeal but for which the Council are yet to express a position.

9.2 Accordingly, this section sets out the Appellant's position in relation to the relevant aspects, and we invite the Council to confirm their position in order to finalise the areas of agreement and disagreement.

Grey Belt

9.3 The Appellant considers that the Appeal Site meets the definition of 'grey belt' as it is defined in the Glossary to the NPPF. This is because:

- The Appeal Site makes no more than a moderate contribution to purpose (a) of the Green Belt.
- The Appeal Site makes no contribution to purpose (b) of the Green Belt because the PPG is clear (Paragraph: 005 Reference ID: 64-005-20250225) that this purpose is concerned with the merging of towns, not villages. Accordingly, purpose (b) is not applicable in this location.
- The Appeal Site makes no contribution to purpose (d) of the Green Belt. This is because the area is considered to make only a weak contribution to the setting of the historic town due to a lack of visual, physical, or experiential connection to the historic aspects of the town.

NB. The Council have cited conflict with purpose (c) of the Green Belt purposes, but conflict with this purpose does not prevent development from being 'grey belt'.

9.4 The Appellant considers that the Appeal Proposals are compliant with Paragraph 155 of the NPPF. This is because:

- The Appeal Site is grey belt land, and its development as proposed would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- There is a demonstrable unmet need for the type of development proposed.

- The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF.
- 9.5 The 'Golden Rules' set out in paragraphs 156-157 to the NPPF do not apply as the proposed development is not major development.
- 9.6 The LPA do not agree that the site comprises Grey Belt land. This is because:
 - Whilst Parcel 13c makes a moderate contribution to GB purpose (c) to assist in safeguarding the countryside from encroachment, this is not a grey belt consideration. The North Herts Green Belt Review 2016 identifies that Parcel 13c plays a significant role in preventing urban sprawl northwards out of Hitchin. In addition, the 2016 Green Belt review found that parcel 13c overall plays a significant role in contributing to the purposes of the Green Belt. The LPA consider that the use of the building for a residential dwelling would result in the erosion of the Green Belt within the narrow gap between Hitchin and Ickleford and that the site contributes strongly to GB purpose (a) in checking the unrestricted sprawl of the residential core of Hitchin, a large built-up area. The appeal proposal would result in the urban sprawl of Hitchin north-ward towards the boundary of Ickleford. Conflict would arise with Purpose (a) of the Green Belt for this reason, and therefore the proposal would not utilise grey belt.
- 9.7 With regards to Paragraph 155 of the NPPF, the LPA disagree because of the following matters:
 - Although the Green Belt Review 2018 found that Parcel 13c makes a Moderate contribution to Safeguarding Countryside, the proposal would fundamentally undermine the purposes of the Green Belt across the area of the plan as it would not assist in safeguarding the countryside from encroachment.
 - There is not a demonstratable unmet need for the type of development proposed.

Farm Worker's Dwelling

- 9.8 The parties do not agree on whether there is an identified functional need for a permanent farm worker's dwelling at the Appeal Site.
- 9.9 The parties disagree that sufficient information was provided to demonstrate the financial soundness of the enterprise and its associated need within the site.

Farm Worker's Dwelling Policy

- 9.10 The appellant considers that there is no conflict with Local Plan Policy CGB3 because this policy is only engaged when it relates to the provision of isolated new homes in the countryside.
- 9.11 The LPA disagree. The LPA considers that the dwelling would be isolated and would be a new home in the countryside, triggering Policy CGB3 of the Local Plan. The LPA consider that a policy conflict would occur with CGB3 given the insufficiently established functional need for a rural worker's dwelling. The submitted planning statement for the original planning application makes reference to policy CGB3 and sets out a case to comply with the provisions within this policy. Although not referenced in the reason for refusal, the LPA consider that the Policy is relevant in the case for the appellant demonstrating VSC for development in the Green Belt.

10. CIL, CONDITIONS AND OBLIGATIONS

Community Infrastructure Levy (CIL)

- 10.1 The Council is not a CIL charging authority.

Conditions

- 10.2 Discussions between the Parties regarding possible planning conditions will take place separately to this SoCG.

Obligations

- 10.3 Planning obligations are not required to make development acceptable in planning terms.

11. SIGNATURES

SIGNED ON BEHALF OF THE APPELLANT

NAME...Tom Donovan.....

POSITION...Planning Consultant/Agent...

DATE...9 June 2025.....



SIGNED ON BEHALF OF NORTH HERTFORDSHIRE DISTRICT COUNCIL



NAME...THOMAS HOWE.....

POSITION...PLANNING OFFICER.....

DATE...9 JUNE 2025.....