
From: [REDACTED]
Sent: 30 September 2026 09:21
To: Vicki Wood
Cc: Jeremy Lovell
Subject: 26/02154/PIP OBJECTION to LAND ADJACENT to PEAR TREE COTTAGE
Attachments: IMG_7899 3.jpg; IMG_7898.JPG

Carol and Jeremy Lovell
Pear Tree Cottage
Smiths End Lane
Barley, Royston
Hertfordshire SG8 8LH

30th September 2026

Development Management
North Hertfordshire District Council
Council Offices, Gernon Road
Letchworth Garden City SG6 3JF

Objection to application 26/02154/PIP: Permission in Principle for the erection of a detached dwelling on land adjoining Pear Tree Cottage, Smiths End Lane, Barley

Dear Vicki

We own and live at Pear Tree Cottage, which adjoins the application site to the south. We object to this application.

We have confined our objection to the matters that can be considered at the Permission in Principle stage: location, land use and the amount of development. On these matters the site is not suitable for a dwelling in principle, and the applicant's Supporting Planning Statement does not demonstrate otherwise. Our comments supporting this are set out below.

1. The site lies outside the settlement, so NPPF policy S5 applies

The site lies outside the defined settlement boundary of Barley shown on the Policies Map of the North Hertfordshire Local Plan 2011–2031, within the Rural Area beyond the Green Belt. The applicant accepts this at paragraph 3.1 of the Supporting Planning Statement.

Under policy S3 of the National Planning Policy Framework (updated in August 2026), proposals outside settlements are determined under policy S5. S5 supports only the forms of development it lists. Anything else should be approved only in exceptional circumstances, where the benefits would substantially outweigh the adverse effects, including to the character of the countryside (S5(4)). As we explain in sections 3 and 4, a residential dwelling on this site falls within none of the listed categories.

The proposal is also contrary to the adopted development plan, which remains the statutory starting point for decisions under section 38(6) of the Planning and Compulsory Purchase Act 2004. Policy SP2 supports

general development in Barley, a Category A village, only within its settlement boundary. Policy CGB1 permits development in the Rural Area beyond the Green Belt only in specified circumstances, none of which applies to this proposed market dwelling.

2. The applicant's statement relies on superseded policy

The Supporting Planning Statement's case rests on "Policy 6" (paragraphs 3.2, 4.1 and 5.1), which it describes as part of "the currently adopted Local Plan". Policy 6 was a saved policy of the North Hertfordshire District Local Plan No. 2 (1996), which was replaced on the adoption of the Local Plan 2011–2031 on 8 November 2022. The exception the applicant relies on, for a single dwelling within the built core of a settlement, is not part of the adopted development plan.

The statement also quotes the December 2024 version of the NPPF (paragraphs 3.6 and 3.7), which was replaced on 17 August 2026. Although dated August 2026, the statement therefore assesses the proposal against neither the adopted Local Plan nor the current national policy. Furthermore, it does not address policy S5 at all.

3. The site is not infill and not within the built core of the village

Policy S5(1)(e) supports "limited infilling within groups of houses". This proposal is not infilling.

The statement claims at paragraph 5.1 that the site lies "within the core of the village". This directly contradicts paragraph 3.1 of the statement, where the applicant accepts that the site "lies outside the main area of the village", and is contrary to the adopted Policies Map. The statement itself describes the site as lying at the northern end of the residential development on Smiths End Lane (paragraph 1.1), with open paddock to the north (paragraph 1.2). It lies at the northern end of the hamlet of Smiths End, outside and separate from the village of Barley.

Pear Tree Cottage is the last dwelling on this side of the lane. The site adjoins housing on one side only. To the north is the paddock, to the west open farmland, and opposite to the east the village cricket ground.

A dwelling here would not fill a gap within a group of houses. It would extend the built form of the group outward into open land.

Approval would also set a precedent. Once this site is developed, the paddock to the north would present itself as the next plot adjoining existing development, and so on along the lane, progressively closing the open gap between Smiths End and the village of Barley.

4. The housing shortfall does not justify development on this site

Policy S5(1)(j) supports development that would address an evidenced unmet need, including housing where the council cannot demonstrate a five-year supply of deliverable housing sites, but only where the development is physically well-related to an existing settlement. This proposal does not meet that test.

The council's most recent Five-Year Housing Land Supply Update (November 2025) records a supply of 2.6 years against the adopted requirement. We accept that a shortfall exists. However, a shortfall does not by itself make this site acceptable, because the proposal fails the other two parts of the test.

The site is not physically well-related to the village of Barley. It lies some way outside the settlement boundary and is separated from the village's built-up area by open land. The council's own officer, in the report on 25/00309/FP, described this part of Smiths End Lane as isolated from the main services in Barley. The benefit of one dwelling is minimal. The adverse effects, set out in sections 6 to 8, are substantial.

The statement claims at paragraph 5.3 that no new homes appear to be planned for Barley. In fact, three sites in Barley have been put forward through the council's call for sites for the Local Plan review, and this site is not among them. The plan-making process, not an ad hoc application in the countryside, is the proper route for meeting future housing need in the village. Barley has also absorbed substantial development relative to its size in recent years, at Draytons, Butterfields, Pudding Lane, Picknag Road and the High Street, in a village of around 280 households (2021 Census).

5. The Ivy's Cottage decision does not support this application

The statement relies heavily on the recent application at Ivy's Cottage (25/00309/FP), claiming it established that this part of Smiths End Lane lies "within the core of the village". It did not. The officer's report to the Planning Control Committee states that the Ivy's Cottage site is outside the settlement boundary for Barley

and that the proposal did not comply with Policies SP2, CGB1 and CGB4. Importantly, approval was recommended despite that conflict, because the site was an infill plot adjoining residential properties to the north, south and east, within one of the lane's clusters of development.

This site is the reverse: it is bounded by housing on one side only and open land on the other three. The reasoning that justified infill development at Ivy's Cottage cannot be applied here. The officer's description of the Ivy's Cottage site as not isolated and close to Barley related to an infill plot in the middle of a cluster of houses; it does not apply to a site at the outer edge of the group with open land on three sides.

The officer's reasoning also relied on appeal decisions at Kelshall and Ashwell concerning infill plots within a substantially built-up frontage (report paragraph 4.3.8). This site has development on one side only and does not meet that description.

We also note that the passage quoted at paragraph 4.2 of the statement does not appear in the officer's committee report on 25/00309/FP, and the statement does not identify its source. Paragraph 4.3 then draws a conclusion about properties on the east side of the lane, whereas both Ivy's Cottage and this site lie on the west side.

6. Harm to landscape and rural character

The site marks the point at which the houses of Smiths End Lane end and the open agricultural landscape begins. Its undeveloped state forms part of the transition between the lane and the countryside. A dwelling would permanently remove that transition, contrary to Policy NE1 of the Local Plan, and would harm the character of the countryside, to which policy S5 requires regard to be had.

In the appeal decision for Land off Picknag Road, Barley (APP/X1925/W/21/3289069, council ref 21/02973/PIP), the Inspector dismissed a Permission in Principle proposal on comparable grounds. The Inspector found that an undeveloped edge-of-village site formed a positive part of the village's transition to open countryside, and that its development would intrude on the connection between the village and its agricultural surroundings. That decision predates the current NPPF, but its findings about the character of Barley and the contribution of undeveloped edge-of-village land to it are site-specific and remain relevant.

7. Harm to the Barley Conservation Area, and no Heritage Assessment submitted

The applicant confirms that the site lies within the Barley Conservation Area (paragraphs 1.3, 3.1 and 4.6). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF expressly states that it does not displace this statutory duty.

In the Picknag Road decision, the Inspector found that the Conservation Area's significance derives not only from its traditional buildings but also from its open spaces and the rural landscape around it. At Smiths End the Conservation Area is drawn tightly along the lane, and the open land at the end of this group of houses contributes directly to its rural, dispersed character. Building on it would harm the character and appearance of the Conservation Area.

Unlike Ivy's Cottage, which sits centrally within Smiths End behind a hedgerow and mature trees, this site lies at the northern entrance to the hamlet and is prominent on the approach along the lane. The properties at this entrance characteristically sit on large plots, and the site's mature planting makes a strong contribution to the visual amenity and rural character of this part of the Conservation Area. A dwelling here would be far more visible, and far more harmful, than at Ivy's Cottage.

Pear Tree Cottage itself is not listed, but its front-facing range is largely a 16th-century timber-framed structure. The statement asserts at paragraph 4.7 that the cottage is not identified as a building that contributes to the Conservation Area; that description does not reflect its age or historic fabric. It is a non-designated heritage asset in its own right. The statement also confirms that the application site was the cottage's garden until around 1987 (paragraph 1.1), so the site forms part of the historic setting of a 16th-century building. A new dwelling on it would harm that setting. The NPPF and the council's heritage policies require the effect on non-designated heritage assets to be taken into account, and the applicant has made no assessment of it.

The site also lies close to a number of Grade II listed buildings on Smiths End Lane, including The Thatched Cottage, The Cottage and Rayments Cottage, and Rose Cottage. Section 66(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the setting of listed buildings. No assessment of the effect on their setting has been submitted.

The statement quotes Local Plan Policy HE1, which requires applications affecting designated heritage assets to be accompanied by a Heritage Assessment/Justification Statement (paragraph 3.4). No such assessment has been submitted. The statement instead asserts at paragraph 5.4 that there is "no reason" to suggest the dwelling would do anything other than preserve the Conservation Area. That reverses the burden Policy HE1 places on the applicant. Without an assessment, the council cannot properly discharge its statutory duty under section 72(1) or apply Policy HE1, and permission in principle should not be granted.

8. Flood risk is a matter of principle on this site

The statement acknowledges the spring-fed pond on the site (paragraph 1.2) but treats flood risk as a technical detail for a later stage (paragraph 2.5). On this site it is a matter of principle. When the pond is full, excess water comes up through the ground onto our land nearest the pond and towards the northern part of our property. The exceptionally wet winter of 2025–26 caused severe disruption to the paving around the north end of our house. Photographs of the damage caused by rising ground water are attached. With climate change expected to bring increasingly wet winters, this problem will worsen, and any development that disturbs the pond or the ground around it risks making it worse still.

The NPPF requires development to be located where flood risk is minimised, or can be managed and made safe without increasing risk elsewhere. It identifies the loss of undeveloped land used for water storage or flood risk management, without compensatory provision that does not increase flood risk on or off-site, as a circumstance in which the adverse effects of development are likely to substantially outweigh the benefits. That example appears in policy S4 for sites within settlements. The adverse effects to be weighed under S5 are expressly not limited to those listed, and the same concern applies with at least equal force to a site in the countryside. The pond on this site performs exactly that water storage function.

No flood risk or drainage assessment has been submitted to show that a dwelling can be accommodated without displacing water onto neighbouring property that is already affected. The site's ecological value, including the pond, has also not been assessed, including its potential to support protected species such as bats, owls and newts. Without this evidence, the council cannot conclude that the site is suitable in principle.

9. Other points in the statement

Paragraph 1.4 relies on a case officer's description of the site as being in a "residential part of Barley" in dealing with an application for tree works. A tree works application does not determine the planning status of land. That status is set by the adopted Policies Map, which places the site outside the settlement boundary.

Images are attached which show damage to the paving on the north and north west sides of our property as a result of water displacement from the over full pond last winter. The felling of the two trees (see images of remaining stumps) on the west side of the pond has also impacted the water levels as there are now two fewer trees feeding from it.

Conclusion

The site lies outside the settlement boundary of Barley. The proposal falls within none of the forms of development supported outside settlements by NPPF policy S5: it is not infilling within a group of houses and, although the council has a housing shortfall, the site is not physically well-related to the village as the unmet-need route requires. It is also contrary to Local Plan Policies SP2 and CGB1. The applicant's case relies on a Local Plan policy superseded in 2022 and a reading of the Ivy's Cottage decision that the officer's report does not support, and cites a version of the NPPF superseded in August 2026.

The development would harm the rural landscape and the character and appearance of the Barley Conservation Area, no Heritage Assessment has been provided as Policy HE1 requires, and the site has an unassessed flood risk affecting our neighbouring property. Whichever test is applied, these adverse effects substantially outweigh the benefit of a single dwelling.

For these reasons the site is not suitable in principle for residential development, and we ask the council to refuse permission in principle.

If the application is referred to the Planning Control Committee, we would like the opportunity to speak. A copy of this letter is also being sent to Barley Parish Council.

Yours faithfully,

Carol and Jeremy Lovell