

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02009/FP	Erection of one detached 2-bed farm workers dwelling.	Land At New Pound Farm East Side Of Old Hale Way Hitchin Hertfordshire SG4 0SA

Submitted Plan Nos

PO1 PO2 PO3A Agricultural Holding Plan

1.0 Policies

SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
T2	Parking
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding
SECN15	Conserve + enhance natural environment

2.0 **Site History**

- 2.1 24/01920/FP - 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
- 2.2 24/00577/FP - Side lean-to pole extension and external steps. Insertion of rear windows and solar panels to existing side roofslope to facilitate additional storage at first floor level. – Conditional Permission
- 2.3 22/02694/AG - Single storey side extension to existing agricultural barn – Prior Approval not Required
- 2.4 22/02693/AG - Erection of polytunnel – Prior Approval not Required
- 2.5 20/00617/AG - Agricultural building to store machinery and other such equipment required to farm the land. - Prior Approval not Required
- 2.6 21/01962/FP - Retention of new vehicular/pedestrian bridge over the River Hiz and new farm track (retrospective application) – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation** – 11x Objections:

- Sets a precedent for development on green belt
- Site is not suitable for residential development adjacent to allotments
- Water run off concerns
- Over subscription of utilities and services in Ickleford and Hitchin
- Queries viability of prospective scheme
- Questions the need for the dwelling and whether it is justified
- Noise generation from traffic to and from the site
- Visually intrusive and lack of screening/landscaping
- Lack of need for housing
- Loss of wildlife habitat
- Questions relationship between agricultural uses and nearby residential uses
- Failure to demonstrate agricultural need for dwelling
- Lack of presence of livestock on site
- No submitted evidence of vandalism
- Unsympathetic appearance of the dwelling and would appear out of place
- Questions flood risks associated with the site and the wider site
- Challenges ecology statement and whether BNG is required
- Requests consideration of application alongside car park application

3.2 **Parish Council** – Objection:

- Dangerous access to the site
- Development is contrary to the prevailing uses nearby, namely allotments
- Erosion of Green Belt between Hitchin and Ickleford
- Light pollution from security lights would be harmful to wildlife and neighbouring amenity
- Concern regarding flooding and water run off

- Loss of habitat for wildlife and disruption of routes for wildlife to traverse site

3.3 **Ecology** – No Objection. Recommends implementation of ecological enhancements by way of condition.

3.4 **Waste** – Advises of requirements for refuse collection

3.5 **Environmental Health:**

3.5.1 Contaminated Land – Recommends condition

3.5.2 Noise – No Objection

3.5.3 Air Quality – Recommends EV Charger condition

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises land adjacent to an existing agricultural barn. It serves an agricultural unit presently without evident crop harvesting or livestock farming.

4.2 **Proposal**

4.2.1 Planning Permission is sought for the erection of a 2-bedroom agricultural worker dwelling.

4.3 **Key Issues**

4.3.1 The key issues in this case are the principle of development and impact upon the Green Belt, the impact of the development on the character of the area, the design of the development and impact the development has on the reasonable living conditions of neighbouring properties.

Principle of Development – Rural Worker Dwellings in the Green Belt:

4.3.2 Paragraph 84 of the NPPF discourages the erection of isolated dwellings, but suggests that rural workers' dwellings can be viewed as an exception to this, allowing for habitation near to their place of work. Policy CGB3 of the Local Plan relates to the erection of rural workers' dwellings in the countryside. This policy sets out certain criteria and these are discussed below:

4.3.3 **a) There is a clearly established existing functional need;**

The accompanying statement to this application advises that the dwelling is needed to deter vandalism and to provide accommodation for a worker to tend to livestock. With proximity to livestock during birthing seasons being one of the key requirements. During the site visit, it was evident that no livestock is present on the site as the land has been left to grow with there being no evident operation within the site that would require the round the clock presence of an agricultural worker. No evidence has been provided to establish the extent of vandalism and the need for the worker to deter this from

happening. Due to the above observations during my site visit, and the information provided with this application, I do not consider that there is a clearly established function need existing on the site.

b) The unit and the rural business concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and should remain so;

No financial information has been provided to detail whether the rural business has been established on the site for at least three years and has been profitable for at least one of these years, and is currently financially sound. Therefore, this requirement is not met.

c) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

The statement advises that no residential dwellings are present within the agricultural unit that would be suitable for accommodating the agricultural worker. It also indicates that no suitable properties are available in the surrounding area surrounding the site. Given that the site is in proximity to both Hitchin and Ickleford, I consider that consideration should be given to market housing and whether it can exist close to the site. No further information is given with regard the consideration of market housing for accommodation. The matters discussed in c) are therefore not considered to be met.

d) The proposal responds appropriately to the site's local context and the needs of the business in terms of design, scale and function.

The matter of the design and appearance of the proposed dwelling will be discussed in detail in the design section of this report. Given the limited scale of accommodation, together with the relatively contrived internal layout of the dwelling, I consider that it would be suitable for a worker to live in rather than as purely for sale as market housing.

Principle of Development – Green Belt:

4.3.4 The site is set within the Green Belt in the Local Plan. The NPPF in paragraphs 154 and 155 sets out what development is not inappropriate in the Green Belt.

4.3.5 Paragraph 154 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– not have a greater impact on the openness of the Green Belt than the existing development; or
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 155 states:

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 Build Order or Neighbourhood Development Order.*

4.3.6 Local Plan Policy SP2 permits and encourages the provision of housing within the settlement boundaries of Hitchin and Ickleford, and the application sits outside of both of these boundaries. Given that the site is outside of the settlement boundary I would not consider this to be of relevance and would consider the development to be inappropriate in terms of its relationship with Local Policy SP2. Appeal decisions appear to conclude that the erection of dwellings for the accommodation of agricultural workers does not sit within exception a) of Paragraph 154 of the NPPF and is therefore deemed to be inappropriate. The provision of a new building in the Green Belt is considered to occasion both spatial and visual harm to the Green Belt, due to the proposal resulting in the erection of a structure where it is currently open land. Furthermore, it is considered that the use of the existing farm track for access to a residential dwelling, and the provision of a building in this location would result in the erosion of the green belt boundary/separation between Ickleford and Hitchin, and would therefore run contrary to purposes a), b) and c) of the Green Belt. No exceptions within Section 13 of the NPPF would be met by the proposal, and therefore, it is considered the proposal comprises inappropriate development in the Green Belt.

4.3.7 As set out in Paragraph 156 of the NPPF, the development would likely be refused unless a Very Special Circumstances (VSC) case can be suitably demonstrated to overcome the identified harm from the inappropriate nature of the development. A case for VSC has been submitted, relating to the need for providing accommodation for a rural worker in this location. The need for accommodation has been considered, however, due to the above concerns about the lack of a functional need on the site due to the lack of livestock or the need for a 24 hour presence within the site to maintain the

agricultural use, I do not consider that the case for VSC is sufficient and would not overcome the harm to the Green Belt of the provision of a new building in the Green Belt. Section 13 of the NPPF would not be complied with and Policy SP5 of the Local Plan would not be complied with.

Sustainability

- 4.3.8 The application site is considered to be in a moderately sustainable location. Ickleford and Hitchin benefit from various amenities and the application is in relative proximity to these amenities such as shops. Residents could walk into both settlements, though it is likely that they would cycle or drive. Public transport links are in the area and these provide links to the local area and wider district/area. This would reduce the likelihood that a private vehicle is required on medium to long distance journeys and is viewed positively.
- 4.3.9 Social and economic sustainability would be benefited by the development by virtue of prospective employment benefits for contractors nearby during the construction and maintenance of the dwellings. Social benefits are limited given that the proposal is for a single dwelling on a windfall site and would not be for market housing.

Design and Appearance:

- 4.3.10 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.

Appearance

- 4.3.11 The proposed building would sit in a relatively obscured location when viewed from Old Hale Way, but would be visible from the adjacent allotments and by pedestrians walking through the site. It would comprise of a unique design featuring an apple store at one end, and a more traditional layout to the other end featuring a pitched roof. It is considered that the appearance of the proposed dwelling would generally be acceptable, and would reflect the agrarian nature that the site presently comprises. The appearance is therefore considered acceptable.

Access

- 4.3.12 Access is proposed to be provided by an existing farm track, running adjacent to the existing allotment access track, with a gated access from the lane proposed. No details of these gates are submitted, and therefore do not form part of the consideration of this application.

Landscaping

- 4.3.13 The application does not detail any prospective soft or hard landscaping proposed to surround the dwelling, or to the access track. An existing bund is present to the northern boundary, and fencing and some vegetation are present to the southern boundary. Any recommendation for approval would be subject to the provision of a landscape plan to detail the extent of proposed landscape enhancement over the existing hardcore present on site.
- 4.3.14 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:

- 4.3.15 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.
- 4.3.16 The site is in an isolated location, and is therefore unlikely to significantly detract from nearby residential dwellings. There would be some visual impacts for visitors to the nearby allotments, however, I do not consider that this would be significant when considering potential noise generation or dominance arising from the dwelling and its residential use.
- 4.3.17 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:

- 4.3.18 The proposed development would be served by a minimum of two parking spaces that are off-street, therefore impacts to parking provision locally are not considered to be harmful. An existing access would be utilised off Arlesey Road/Old Hale Way, with access provided down a private track to the dwelling. No details of secure cycle storage have been provided, and would be requested should planning permission be granted.

Environmental Implications:

- 4.3.19 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain:

- 4.3.20 It is noted that the North Herts Ecologist has not raised objection, and has advised that the development would fall under the de minimis exemption due to the nature of the existing site. A representation has queried whether the site was degraded of ecological assets post-2020, and would therefore require 10% BNG. Following further discussions with Ecology, it was concluded that prior determinations relating to the erection of the

building permitted the degradation of the land. Therefore, no unauthorised degradation or site clearance occurred, and the 10% requirement is not relevant.

Planning Balance and Conclusion:

- 4.4 This application proposes the erection of a rural worker's dwelling on a site that is designated as Green Belt land, as per the Local Plan 2011-2031. Given that no existing livestock operation or other agricultural use was observed on site, I do not consider that sufficient justification has been submitted by the applicant to demonstrate that there is a functional need for the proposed rural worker's dwelling, and therefore the development would fail to comply with Policy CGB3 of the Local Plan 2011-2031.
- 4.4.1 The proposal is considered to amount to inappropriate development in the Green Belt given that no exception would be met by the development, given that the proposal is considered to erode the green belt between Hitchin and Ickleford, and given that the proposal would occasion visual and spatial harm to the Green Belt. A case for VSC is submitted, relating to the functional need for a rural worker's dwelling in this location, however, given the lack of an identified functional need, I consider that this VSC case is not applicable and is not sufficient to overcome the identified harm to the Green Belt. Some modest economic benefits would arise from the development, however, these are not considered to be sufficient to overcome the significant harm identified to the Green Belt. Therefore, Section 13 of the NPPF and Policy SP5 of the Local Plan 2011-2031 would not be complied with and the development would amount to inappropriate development in the Green Belt.
- 4.4.1 The proposed development is considered to run contrary with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. It is recommended that planning permission be refused.

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 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.

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  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 28 November 2024	