

<u>Location:</u>	Land At New Pound Farm East Side Of Old Hale Way Hitchin Hertfordshire SG4 0SA
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<u>Applicant:</u>	Mr Bruce Parker
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<u>Proposal:</u>	Erection of one detached dwelling.
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<u>Ref. No:</u>	26/00262/FP
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<u>Officer:</u>	Thomas Howe
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Date of expiry of statutory period:

30 March 2026

Extension of statutory period:

8 October 2026

Reason for Delay:

To overcome planning objections, and to find a suitable committee date.

Reason for Referral to Committee:

Councillor Ian Albert has called the application into planning control committee on 30 March 2026 in agreement with the objections from Ickleford Parish Council. Other reasons include the harm to the openness of the Green Belt and does not overcome concerns raised in the previous application for the same site.

1.0 Site History:

- 1.1 24/02009/FP - Erection of one detached 2-bed farm workers dwelling. – Refused. Appeal Dismissed (Appeal Ref: APP/X1925/W/25/3362553)
- 1.2 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
- 1.3 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
- 1.4 22/02694/AG - Single storey side extension to existing agricultural barn – Prior Approval not Required
- 1.5 22/02693/AG - Erection of polytunnel – Prior Approval not Required

1.6 20/00617/AG - Agricultural building to store machinery and other such equipment required to farm the land. - Prior Approval not Required

1.7 21/01962/FP - Retention of new vehicular/pedestrian bridge over the River Hiz and new farm track (retrospective application) – Conditional Permission

2.0 **Policies:**

2.1 Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

2.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 sets a hierarchy of development plan documents and material considerations such as the NPPF, in that where a conflict is identified, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

2.3 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP9: Design and Sustainability

Policy HS3: Housing mix

Policy D1: Sustainable Design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE10: Water conservation and wastewater infrastructure

2.4 **National Planning Policy Framework (NPPF) (December 2024)**

Chapter 2. Plan making policies

PM13: Setting standards

Chapter 4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S5: Principle of development outside settlements

Chapter 12. Making effective use of land

L3: Achieving appropriate densities

Chapter 13. Protecting green belt land.

GB7: Development which is not inappropriate in the Green Belt

Chapter 14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

Chapter 15. Promoting sustainable transport

TR2: Local parking standards

TR3: Locating development in sustainable locations

2.5 Vehicle Parking at New Developments SPD

3.0 **Representations:**

3.1 **Neighbour Consultation** – 15x Objections:

- Notes previous refusals both under delegated powers and at appeal.
- Sole difference is the use of the dwelling rather than its location or appearance.
- References previous refusals on green belt grounds.
- No planning benefits from granting the development.
- Lack of new evidence or justification for the development.
- Would enable Hitchin's outward sprawl into the Green Belt.
- Would enable development between Hitchin and Ickleford, resulting in their merger and loss of identity.
- Harm to openness of the Green Belt.
- Lack of justification, Very Special Circumstances or evidence to overcome harm to the Green Belt.
- Makes a contribution to the openness, character, and biodiversity of the area.
- Land maintains an important Green Belt gap between Hitchin and Ickleford.
- Question of various applications for this and the wider site.
- Lack of a functional need for a dwelling in this location in relation to agricultural uses.
- Harm to nearby chalk stream.

1x Support:

- Does not view the development as being a significant erosion if at all of the Green Belt.
- Consolidates Green Belt by acting as passive security for wider holdings.
- Sympathetic design.
- Welcomes variation in design from larger executive homes.
- Benefits from revenues from the land.
- Reduction in vandalism and intrusion within the site.

3.2 **Hitchin Forum** – Objection. Lack of a demonstrated need. Cumulative impacts of development within the site.

3.3 **Parish Council** – Objection.

- Site is within the Green Belt. Undermines purposes of the Green Belt and would allow for encroachment into the countryside. Harm to openness.
- Site is important for preserving the green belt between Hitchin and Ickleford.
- Concerns regarding the proximity to a chalk stream nearby.
- Increase in water runoff into water courses.
- Harm to nearby wildlife corridor and associated wildlife near to the site.

- Weight should be given to previous refusal and dismissed appeal on the site. Permanent harm to the Green Belt was concluded by appeals inspector.
- No material change in circumstances since previous determinations to warrant approval.
- Lack of justification for the development of the site.
- Concern regarding cumulative development within this and the wider holding.
- Limited public benefits associated with the development.

3.4 **Ecology** – No Objection. Development would fall within the ‘de minimis’ exemption for delivering BNG. Recommends condition for the implementation of ecological measures set out within the July 2024 EIA submitted with the application.

3.5 **Environmental Health** –

Contaminated Land – Recommends condition.

Noise – No Objections.

Air Quality – Recommends EV Charger Condition.

3.6 **Highways** – Does not wish to restrict grant of permission. Notes access is via a private owned track, limiting their ability to comment.

3.7 **Waste and Recycling** – No objection.

3.8 **Environment Agency** –

May 2026 – Objection. Seeks submission of a Flood Risk Assessment (FRA)

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a parcel of land adjacent to an existing agricultural barn. At present it serves an agricultural unit, with the predominant land use being for agricultural purposes without livestock.

4.2 **Proposal**

4.2.1 Planning Permission is sought for the erection of one detached dwelling.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- 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 Development:

- 4.3.2 This proposal is effectively a replica of the previously appealed application, with the primary difference being that this is for market housing instead of a rural worker dwelling. The appeal inspector made the following conclusions:

"11. ...I agree with the conclusions of the GBR that the wider parcel does play a significant role in respect of purpose (a).

12. ... I find that the appeal site makes only a moderate contribution towards checking the unrestricted sprawl of large built up areas.

13. I have not been referred to any policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. I therefore find that the appeal site would constitute grey belt in line with the definition provided in the Framework.

16. I do not consider that the site plays a strategic role in the functioning of the Green Belt, consequently the appeal proposal would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Therefore, taking my conclusions on both grey belt and the remaining Green Belt purposes into account, the appeal proposal would comply with paragraph 155 a. of the Framework

20. ...The scheme would therefore contribute to the Framework's aim to actively manage patterns of growth in support of sustainable transport objectives. As such, the development would be locationally sustainable. Paragraph 155 c. of the Framework would therefore be complied with.

26. ...Whilst some views would be more limited given the proposed positioning to the rear of the existing agricultural building and due to the presence of vegetation, the appeal proposal would nonetheless result in a noticeable reduction in visual openness. I consider the harm to openness would be moderate and localised."

- 4.3.3 On the proposal for a rural worker's dwelling, the inspector, at point 17. concluded that there was a need for housing within the district, but at point 19. concluded that insufficient evidence was provided to conclude there was a demonstrable unmet need for a rural worker's dwelling. The conclusions of the above points are that with an identified need, the development can potentially comprise grey belt development, and the principle can potentially be supported by the 2024 NPPF. The tests for Grey Belt within the 2026 NPPF are similar, and it is not considered that the updated NPPF prejudices these conclusions, and the site circumstances remain consistent since this assessment was made. An assessment is set out below.

- 4.3.4 The East Herts, North Herts and Stevenage Green Belt assessment, prepared by LUC, was published on June 16, 2026. This concludes that the wider HN16 parcel, that the site is within, makes a strong contribution to Purpose A and a weak/no contribution to Purposes B and D. Policy GB2 (1.) of the NPPF. The conclusion of which is that Parcel HN16 does not comprise Grey Belt land. This is acknowledged, however, it is considered

that the modest scale of the development is not considered to undermine the contributions made by the parcel as a whole to the Green Belt. Furthermore, the location of the development in line with the existing barn and adjacent to other built form and the presence of features such as the bund to constrain development, are considered to suitably mitigate these impacts to the purposes of the Green Belt, therefore complying with Policy GB7 (g. i.) of the NPPF. The proposal is for market housing, and the provision of a dwelling on a windfall site outside of a settlement would be supported by Policy S4 (j. i.) of the NPPF given the district cannot demonstrate a 5-year housing land supply, and the site would be well-related to an existing settlement, in this case Hitchin, and can be accommodated by existing infrastructure. This would therefore comply with Policy GB7 (g. ii.) as an evidenced need for housing within the district is identified. Given the site's proximity to Hitchin and Ickleford, I do not consider that the site is unsustainable, with bus stops and other amenities within walking distance, therefore complying with Policy GB7 (g. iii.) and Policy TR3 of the NPPF. The principle of the development would therefore be supported and the development would comply with Policy SP5 of the North Herts Local Plan 2011-2031.

Sustainability:

- 4.3.5 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. Social benefits would arise from the provision of 1 dwelling to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site is considered to be in a sustainable location due to its proximity to nearby settlements, with various amenities, and public transport nodes being in relative proximity to the site. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.6 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 Chapter 14 of the National Planning Policy Framework.
- 4.3.7 The proposed building would utilise a bespoke and interesting design, incorporating varying built forms, a round apple store and a varied materials pallet. It would be obscured from view from Old Hale Way but would be visible from visitors to the adjacent allotments and by walkers using the right of way through the site, heading towards the railway line. Given the agrarian setting, I consider that the appearance of the building would be acceptable and would not detract from or undermine the local vernacular. Access would be provided via a track off Old Hale Way, parallel to the access to the allotments, with a gate shown on the site plan, though no details of its appearance have been provided. I consider that a suitably worded landscaping condition can approve details of the gate pre-commencement. Details of landscaping were not provided with the application, however, the retention of trees and the planted bund to the western boundary would be welcomed. The provision of further details of hard and soft landscaping as part of a condition is considered to sufficiently deliver an acceptable landscaping scheme.

- 4.3.8 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and policies DP3 and DP4 Chapter 14 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Standard of Amenity for Future Occupiers:

- 4.3.9 The proposed internal floor space for the dwellings would meet the minimum space required for a dwelling of this size, as required by the Nationally Described Space Standards. Amenity space is provided around the dwelling. Overlooking and dominance are not considered to arise from the existing dwellings on Old Hale Way, and the use of the allotments and rights of way are not considered to be harmful, and I therefore consider that the amenities of future occupiers would be suitably served by the buildings and garden areas. The existing agricultural use within the site and in proximity is noted, however, it is unlikely to be significantly noise generating, with infrequent vehicles visiting the site.

Impact on Neighbouring Properties:

- 4.3.10 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.
- 4.3.11 Given the dwelling's isolated location in relation to nearby residential dwellings, I do not consider that its presence would result in dominance or losses of light and privacy for nearby residents.
- 4.3.12 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:

- 4.3.13 The dwelling would benefit from off-street parking for 2 vehicles, therefore meeting the requirements of the Parking at New Developments SPD. Hertfordshire Highways have not objected to the proposed development, and therefore it is considered that the proposed development would not have an unacceptable impact upon the safe operation of the highway in the area.

Environmental Implications:

- 4.3.14 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 Chapter 18 of the NPPF. The site is in proximity to the River Hiz and is close to flood zone 3. No development is proposed within the flood zone. Subject to receipt of a No Objection from the Environment Agency, the development is not considered to occasion unacceptable harm in the form of flood risks.
- 4.3.15 The North Herts Ecologist has raised no objections and advises that the development falls within the de minimis exemption for delivering nationally required BNG. An Ecological Impact Assessment has made recommendations for enhancements, also concluding that there would be no protected species negatively impacted by the

proposal. A condition requiring the implementation of the enhancements is recommended and I consider this to be reasonable.

Other Matters:

- 4.3.16 The planning agent has agreed to the pre-commencement conditions recommended by consultees and by the planning officer. These are considered to be reasonable and relevant to the application. The restriction of permitted development rights would allow for NHC to prospective harms to the openness of the Green Belt in this location.

4.4 Conclusion and Planning Balance

- 4.4.1 Subject to the withdrawal of the objection from the Environment Agency, it is considered that the proposed development is acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Although the appeal inspector previously concluded that the development would occasion moderate, but localised harm to the openness of the Green Belt, this harm and no other harms are identified to substantially outweigh the benefits of the provision of housing within this site, as described by Policy S1 of the NPPF. Grant conditional permission.
- 4.4.2 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 receipt of no objection from the Environment Agency and the addition of any recommended conditions and 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the July 2024 Ecological Impact Assessment as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the development proceeds in accordance with Policy NE4 of the North Hertfordshire Local Plan.

5. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Preliminary Risk Assessment report documenting the ground conditions of the site with regard to potential contamination;
- A Generic Quantitative Risk Assessment (where shown to be necessary by the Preliminary Risk Assessment);
- A Detailed Quantitative Risk Assessment (where shown to be necessary by the General Quantitative Risk Assessment)
- A Remedial Options Appraisal and Remediation Strategy (where shown to be necessary by the Detailed Quantitative Risk Assessment).

All such work shall be undertaken in accordance with Land Contamination Risk Management (Environment Agency, 2023) or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

6. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling 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 ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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. 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.

2. External materials informative:

Further to condition 3 (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.