

Our Ref: LF/23-146_03

13 November 2024

Mr Thomas Howe
Planning Department
North Herts Council
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Dear Mr Howe

Objection to Planning Application 24/02009/FP for the Erection of one detached 2-bed farm workers dwelling at Land at New Pound Farm, East of Old Hale Way, Hitchin, SG4 0SA

Barker Parry Town Planning has been instructed by Ms Monk, to review and comment on the above planning application in relation to the impact the proposal would have on the surrounding area. Ms Monk is the tenant of one of the allotments located to the south east of the Application Site.

The proposed development is for the erection of a dwelling in the Green Belt for which there are no 'very special circumstances' demonstrated. The Applicant has endeavoured to demonstrate that the scheme is for an agricultural worker's dwelling, that accords with local plan policies and the NPPF. It is simply not the case. These matters are set out in more detail below.

Existing Use

The wider site has been subject to various planning applications since 2020, details of which are set out below:

- 20/00617/AG: prior approval for the construction of an *"agricultural building to store machinery and other such equipment required to farm the land"*.
- 21/01962/FP: retrospective planning permission sought and granted for the *"retention of a new vehicular/pedestrian bridge over the River Hiz and new farm track"*.

Steven Barker

Director

MA (Cantab) MA MRTPI

Liz Fitzgerald

Director (Managing)

BA (Hons) Dip TP MRTPI

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- 21/03485/LDCE: Lawful Development Certificate sought and granted for the *"continued use of existing agricultural land for use as private allotments"*.
- 22/02693/AG: prior approval for the *"erection of a polytunnel"*.
- 23/01652/FP for the *"Use of Land as a Community Car Park, New Gate and Associated Tree Planting and Landscaping"* (withdrawn).
- 24/01920/FP for the *"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"* (pending decision).

This recent planning history strongly suggests that the land is solely used for private, agricultural purposes, with the agricultural use of the site being given over to the cultivation of crops, wildflower planting, a willow plantation and allotments. The only agricultural buildings are a storage barn and a poly tunnel. There are no animals on site and no established business associated with either pigs or chickens.

It is noted that there is no "community use" mentioned that the Applicant relies upon for application 24/01920/FP.

The Applicant suggests that, as a result of the site being publicly accessible, it has been subject to vandalism. There is no evidence submitted demonstrating the occurrence of any vandalism. Moreover, the accessibility of the land is seemingly being promoted by the Applicant, as set out in the submissions pursuant to application reference: 24/01920/FP.

Whilst the Applicant is not able to prevent access to the public rights of way, there is sufficient scope to secure other parts of the site to minimise any suggested vandalism.

Need for the Proposed Dwelling

The proposed development must be considered against paragraph 84 of the NPPF which states that isolated homes in the countryside will only be considered where there is an essential need for a rural worker to live permanently at their place of work.

Local Plan policy CGB3 states the following:

Planning permission for isolated new homes in the countryside to support agricultural, forestry and other rural businesses will be granted provided that:

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

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

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

Where accommodation is proposed in association with a new business, applicants will need to demonstrate the business is viable with secure future prospects as an exception to criterion (b).

If a new home is deemed essential to support a rural business, it should first be permitted through a time-limited permission, or temporary accommodation such as a caravan. Permission for permanent dwellings will normally only follow in the event of a persistent need.

Any temporary or permanent home will be restricted to the occupancy of a worker associated with the business. (my emphasis)

First and foremost this is not an isolated dwelling, the location of the proposed dwelling and the access road physically abut the settlement boundary of Hitchin. It is less than 0.1m from the nearest residential property within the settlement boundary.

Secondly, there is a requirement for an essential need for the worker to be located on site, whilst the Local Plan requires the business to be established for at least 3 years and be viable.

It is interesting to see that the Applicant has completely ignored criterion a and b of Policy CGB3 and only endeavoured to address c and d. In contrast we will address all criterion.

a) There is a clearly established existing functional need:

The Applicant suggests that some of the agricultural enterprise exists, however this exists without requiring any on site presence or intervention. It is then mooted that pigs and chickens are proposed to be introduced on the site both within and adjacent to the storage barn.

This livestock is not currently present on site, it is not an established use and therefore there is no established existing functional need for a dwelling in this location.

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:

As the livestock is not currently on site, this cannot be satisfied. I will turn to the exception to this below.

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;

The assertion that there are no other properties available in the vicinity of the site is simply false. There is a 2 bed flat for sale on Old Hale Way, within 270m of the site, details attached. Further there is a 2 bed maisonette available adjacent to the northern access to the wider landholding, off Icknield Close.

Given the sites proximity to existing settlements and the forthcoming development at the Mill, there is a reasonable prospect that a property will be available at most times that will fulfil the purpose.

The Applicant will endeavour to argue that due to the presence of piglets on site, there is a need for an on-site worker to deal with emergencies, however, this is simply not the case. It has not been demonstrated that there is a need for an on-site presence, even for dog breeding, the need for monitoring and responding to emergencies can be dealt with through the use of CCTV and someone living in reasonable proximity of the site. Dog breeding is carefully licensed by DEFRA, which is more onerous than pigs. Certainly there is nothing to suggest that an on-site presence is required for chickens.

Given there are properties in close proximity to the site, having regard to the site's proximity to the settlement boundary, there is no essential need for this dwelling to be on site and nothing in the Applicant's submissions supports this broad brushed statement.

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 proposed dwelling is a 2 bed unit, there is nothing within the submissions that suggest a 2-bed dwelling is required for an on-site worker, this could reasonably be reduced to a 1-bed dwelling.

The design of the proposed dwelling is also somewhat random for this location. Whilst it may have been designed to be akin to an agricultural building that may be relevant to a farmstead somewhere, it bears no semblance of anything present on this site. The scheme has incorporated an 'apple silo' on a site that has no history of being an orchard or harvesting of this nature. Further, there are no buildings on stilts, which results in a more dominant and elevated structure within the Green Belt.

A building designed for this location would be a simple timber barn, single storey in its form, rather than something that would be seen as a contrived building in a sensitive location.

There is also a concern that the site block plan seems to show additional structures within what is the proposed curtilage that are not defined or clearly indicated.

Regardless of the clear failure to comply with all criteria a-d of Policy CGB3, there are two additional statements:

Where accommodation is proposed in association with a new business, applicants will need to demonstrate the business is viable with secure future prospects as an exception to criterion (b).

No evidence appears to have been submitted to support this exception.

If a new home is deemed essential to support a rural business, it should first be permitted through a time-limited permission, or temporary accommodation such as a caravan. Permission for permanent dwellings will normally only follow in the event of a persistent need.

It is normal practice for a new business, that demonstrates an essential need for an on-site worker, for a temporary structure to be proposed, for a time-limited period, in the first instance, before proceeding to a permanent structure. This ensures that Applicant's do not endeavour to obtain permanent planning permissions for dwellings that are simply not required in the long term.

This should have been the approach taken in this instance.

In short, there is no essential need for an established business and the Applicant has not demonstrated a need for a new business. Moreover, a temporary dwelling should be advanced in the first instance. The site is not in an isolated location.

The proposal is contrary to Local Plan policy CGB3 and NPPF paragraph 84

Green Belt

As outlined in the Applicant's cover letter, the site is located within the Green Belt on a parcel of land forming part of an agricultural holding.

Chapter 13 of the National Planning Policy Framework (NPPF) (paragraphs 152 and 153) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist whereby any potential harm is clearly outweighed by other considerations.

Whilst the NPPF does set out some exceptions to this rule, the proposed dwelling does not fall within any of the defined exceptions, it is therefore essential that the proposed development constitutes 'very special circumstances'.

Given the complete failure to comply with Policy CGB3 and NPPF paragraph 84, there are no 'very special circumstances' to justify a dwelling in this location.

The proposal is therefore by definition harmful to the openness of the Green Belt and should be refused.

Flood Risk

The application sets out that the site is located in flood zone 1 and the supporting FRA states that there is no risk of flooding to this proposed dwelling.

This sits greatly at odds with the overall design of the dwelling which is on silts to accommodate the flood plain.

So either the proposed dwelling is being increased in height to accommodate a fictional flood plain and is therefore of a height that is greater than it needs to be, or the FRA has not assessed the proposed site?

Biodiversity

As set out in NHLP Policy SP1, the LPA will support development that protects biodiversity and green infrastructure. Similarly, Policy NE4 (Biodiversity and geological sites) advises that permission will only be granted where biodiversity is protected, enhanced and managed, and that all development should deliver measurable net gains for biodiversity. It also requests that an ecological survey is submitted commensurate to the scale and location of development.

The supporting ecology report advises that the site affects less than 25m² of habitat and is therefore exempt from the need for 10% Net Gain. The Environment Act advises that the base date for any BNG assessment is 2020. This is specifically to prevent sites from being stripped and Applicant's claiming exemption.

A simple review of google earth shows that this is the case here. As can be seen from the below image from September 2021, the site was grass with no presence of gravel and a bund.



Googe earth September 2021

This can be compared with the below image from March 2022, where it is clear works have then commenced.



Google earth March 2022

The Applicant should be required to address this site having regard to the 2020 base date and then required to provide 10% Biodiversity Net Gain.

Summary

As outlined in previous sections, there are fundamental flaws with the proposed development, there is no established business and only a half-hearted suggestion that there will be a livestock on site.

The site is not an isolated location.

There is no evidence to demonstrate an essential need for this dwelling on this site and in any event there are other dwellings in close proximity that could fulfil the need for a dwelling. The proposal is therefore contrary to Policy CGB3 and Paragraph 84 of the NPPF.

It is our opinion that the proposal constitutes inappropriate development in the Green Belt, with no very special circumstances provided to justify a grant of planning permission.

The design of the scheme is not suited to this location and has been elevated unnecessarily.

The proposal must have regard to the 2020 BNG base date and then provide 10% Net Gain.

Overall, the scheme conflicts with numerous Local and National Policies, and we therefore request that planning permission is refused.

We trust that the above is clear, however should you require any further information, please do not hesitate to contact me.

Yours sincerely,

A solid black rectangular box used to redact the signature of Liz Fitzgerald.

Liz Fitzgerald
Managing Director