



Appeal Decision

Site visit made on 8 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/X1925/W/21/3275904

Land West of Pirton Road, Holwell, Hertfordshire Grid Ref Easting: 516428 and Northing: 233006

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms H Flint against the decision of North Hertfordshire District Council.
 - The application Ref 20/02359/PIP, dated 15 October 2020, was refused by notice dated 26 November 2020.
 - The development proposed is described as residential development of land for housing (3-4 dwellings).
-

Decision

1. The appeal is dismissed.

Background

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (or technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted.
4. In this instance, a PIP is being sought for up to 4no. dwellings on the appeal site (min 3 and max 4). I have determined the appeal having regard to the requirements of the above referenced Order and that contained within the Guidance.
5. On 1 October 2021, the council submitted a letter confirming that the part of the refusal reason relating to non-designated heritage assets of archaeological interest was withdrawn following the submission of further evidence by the appellant in the form of a Heritage Statement by Cotswold Archaeology (appellant's statement, Appendix 1). I have determined the appeal on this basis.

6. Finally, the Saved Policies of the North Hertfordshire District Local Plan No.2 with Alterations (2007) (SLP) is clearly an aging document and therefore I have applied due weight to its policies where they are broadly aligned to the relevant parts of the National Planning Policy Framework (2021) (the Framework). However, given the advanced stage the emerging North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) has reached, I have also apportioned some weight to those policies, again where they are aligned to the relevant parts of the Framework.

Main Issues

7. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development proposed.

Reasons

Location

8. Holwell is a small rural village with an identifiable built 'core', where development is generally arranged in a linear form along two roads: Pirton Road and Holwell Road.
9. The appeal site is located on Pirton Road, directly opposite the village hall and a small number of detached dwellings on large plots. To the north is a further row of bungalows and houses. To the south is Lordship Farm which is comprised of a Grade II Listed farmhouse and associated farm buildings which is heavily screened from the appeal site by vegetation.
10. The appellant has provided information on the planned redevelopment of the Lordship Farm site, which I have considered, although at the time of the site visit, the planned development had not taken place.
11. The appeal site is situated on the edge of the village and comprises undeveloped farmland, laid to grass. The site is enclosed by hedgerow and there are a few trees on the boundary which gives a sense of enclosure.
12. The site is fairly well 'contained' by vegetation and topography where it, in part, sits lower than the village hall and neighbouring residential development. However, its character is clearly open and rural, and new development would permanently harm this open character. I therefore find that there would be offence to policy 6 (Rural Areas Beyond the Green Belt) of the Saved Policies of the North Hertfordshire District Local Plan No 2 with Alterations (2007) (SLP) which seeks to strictly control development in open countryside with planning permission being limited to a closed list of exceptions, none of which align with the appeal proposals.
13. I have also considered the proposals against the policies of the North Hertfordshire Local Plan Proposed Submission (as amended by Main Modifications) (2016) (eLP) and specifically policy CGB1 (Rural Areas Beyond the Green Belt) which would effectively replace saved policy 6. This policy has been expanded to support development (amongst other things) which under (a) would be 'infill within the built core of a Category B village'. However, I do not consider the development to be 'infill within' the built core of the village, given its location on the very edge of the village, where the proposals would result in an extension to the built core of the village. I therefore find the

proposals to be contrary to Policy CGB1 of the eLP. I also find harm to eLP policy NE1 (Landscape) insofar as it would result in the permanent loss of open countryside with an open rural character, where the policy seeks to protect landscape character.

14. I therefore find the location of development to be unacceptable.

Proposed Land Use and the Amount of Development

15. Holwell has very limited services and facilities. Those I have been made aware of include a church, village hall and playing fields. However, there are no key facilities such as a convenience store, school, pub or significant local employment within the village. The nearest settlements with a greater range of facilities appear to be Henlow Camp to the north or Pirton to the south west, offering schools, convenience stores, post office, pubs, a surgery, pharmacy and employment opportunities. Or there is Hitchin itself, which has a wide range of higher order services and facilities including a railway station.
16. Access to surrounding settlements is difficult given the distances of over 2.4km (1.5miles). The routes to the nearest larger villages appear to be via unlit country lanes, which would not encourage safe pedestrian movement.
17. I recognise that there is generally a greater reliance on the private car in more remote rural areas. However, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access the nearest services and facilities.
18. I consider there would be a lack of relationship between the site and the nearest settlements able to provide basic services. In this respect the new dwellings would be functionally isolated, even if they are not physically as removed from the nearest built up area of Holwell itself.
19. I note in the eLP that Holwell is designated as a Category B village, where a small amount of windfall development would be supported as infill within the built core. The eLP does not make allocations in the village however, acknowledging the very limited services it has.
20. This would result in significant harm to the strategy set out in SP1 (Sustainable Development in North Hertfordshire); T1 (Assessment of Transport Matters) and SP2 (Countryside and Green Belt) and SP8 (Housing) of the eLP, which seeks to focus development in sustainable locations with sustainable transport opportunities, including rural villages where key facilities will be supported, operating a policy of restraint elsewhere. I also find the proposals contrary to policy SP6 (Sustainable Transport) of the eLP which supports development in locations which enable sustainable journeys to be made to key services and facilities. Finally, I consider the proposals to be contrary to the broader spatial strategy of the emerging Local Plan (eLP), which does not seek to allocate new housing in Holwell, instead focussing development in areas with good public transport links and a good range of day to day facilities.
21. I therefore find the proposed land use and amount of development to be unacceptable.

The Planning Balance

22. I am aware that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and that the situation is severe (based on the 2.2 years set out by the Appellant in their statement at paragraph 4.8).
23. As a result, Paragraph 11 d) of the National Planning Policy Framework (the Framework) advises that permission should be granted unless (at (ii)) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore consider the tilted balance to be engaged in this case.
24. I have considered the appeal decision¹ relating to the land at Codicote which was supplied by the appellant as part of their final comments and I note the discussions of the Inspector at paras 36-41 of that decision. However, there are substantial differences between that appeal and this case. In particular, that appeal was far larger at 167 dwellings, 40% of which was to be affordable housing. Further, that appeal site was an emerging allocation in the eLP. I have therefore determined this appeal on its own merits.
25. At paragraph 8, the Framework seeks to achieve sustainable development through the three objectives, namely economic, social and environmental sustainability.
26. I consider the proposals would create jobs and other economic benefits through the construction and sales process, as well as from future local spending from new occupiers. However, these benefits would be of a small scale given the size of the proposed development.
27. Socially, the new homes would improve housing choice in the locality and make a contribution (albeit fairly small) to the significant shortfall in housing supply within the District. I also consider that would be an additional benefit from participation in local community activities by new occupiers. However, these benefits would be limited partly because the scheme contains no affordable housing and partly because of the scale of the proposals. Moreover, I am aware that until TDC is granted to achieve a planning permission, any PIP for any number of houses is incapable of meaningfully contributing towards the 5YHLS shortfall.
28. The nature of the routes to the nearest villages with any significant day to day services would not be easily accessible by sustainable transport modes. Consequently, there would be a high reliance on private vehicles, which would be contrary to the Framework's aims to promote sustainable transport and would fail to meet its environmental objective of moving to a low carbon economy. Furthermore, the Framework recognises the intrinsic character and beauty of the countryside, which would be harmed by the proposal.
29. Clearly as part of the eLP, greenfield sites will be allocated for housing, and this will be a necessary part of meeting the future development needs of the District. However, these allocations are not focussed on Category B villages such as Holwell.

¹ APP/X1925/W/21/3273701

30. Consequently, when assessed against the policies in the Framework taken as a whole, I consider the proposals to be unsustainable. The significant harm associated with this is not outweighed by the benefits I have set out above.
31. I consider that the proposed permission in principle would therefore be contrary to policy 6 of the SLP; policies SP1, SP2, SP6, SP8, T1, CGB1 and NE1 of the eLP; and the relevant parts of the Framework.

Conclusions

32. For the reasons given, and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR