



Appeal Decision

Hearing held on 21 January 2025 and 6 February 2025

Site visit made on 21 January 2025

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/X1925/W/24/3351486

Land to the West of High Street, Barkway, Hertfordshire SG8 8ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Edit Residential against the decision of North Hertfordshire District Council.
 - The application Ref is 23/00523/OP.
 - The development proposed is the erection of 6 no. dwellings with access, parking and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. A costs application was made by Edit Residential against North Hertfordshire District Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal is in outline with all matters except access reserved for later determination. An illustrative masterplan (Ref: A_PR_P000) was submitted to show how the site could be laid out. I shall treat this plan as illustrative only.
4. The application form dated 1 March 2023 describes the proposed development as above. The application form refers to market housing. Public consultation occurred in March 2023 for six market houses. On 12 February 2024, the appellant notified the Council that they wished to change the proposed housing to five self-build units and one affordable housing unit. No amended application form was submitted. The Council's report for 7 March 2024 Planning Committee confirmed that the Council considered that re-consultation was not required.
5. Prior to the hearing, I advised the main parties of my concerns that the changes made to the application would have a fundamental effect and therefore could potentially prejudice the interested parties' interests, having regard to case law¹. Following questioning at the hearing, I presented the appellant with the options of either withdrawing the appeal or proceeding on the basis of the original scheme of six market homes. The appellant confirmed that they wished to proceed with the six market homes. I have considered the appeal on this basis.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

6. Given that the appeal has been dealt with as the original proposed development, the hearing was adjourned on 21 January 2025 to allow the main parties to prepare for discussion of the final main issue on 6 February 2025. Interested parties were advised of the additional hearing date.
7. A signed unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 dated 20 April 2023 was submitted with the appeal. I have taken this unilateral undertaking into account in determining this appeal. A further signed unilateral undertaking dated 20 January 2025 was submitted in counterpart form. This related to the amended scheme. I have not taken it into account in reaching my appeal decision.
8. Part of the site's frontage falls within the Barkway Conservation Area (the conservation area) boundary. I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, as the site is within the setting of two listed buildings at Barkway Cottage and Clockhouse Cottage, I have had regard to the statutory duty under Section 66(1) of the Act, in having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
9. The Barkway and Nuthampstead Neighbourhood Plan 2018 - 2031 (BNNP) has been subject to examination. I have had regard to the examiner's report (January 2025) in my decision. Although it has not yet been made, the BNNP is at an advanced stage and can be afforded weight in decision-making.
10. The revised National Planning Policy Framework (NPPF) was published on 12 December 2024. The main parties' have had the opportunity to comment on the NPPF at the hearing and their comments have been considered as part of my decision-making.

Main Issues

11. The main issues in this appeal are:
 - a) Whether the proposed development would be in a suitable location, with particular regard to the development plan and national planning policy;
 - b) The effect of the proposed development on the character and appearance of the area, including the Barkway Conservation Area and Grade II listed buildings at Barkway Cottage and Clockhouse Cottage;
 - c) Whether the site is an appropriate location for the proposed development, with particular regard to the effects of odour on the living conditions of future occupiers; and
 - d) Whether any harm identified, including conflict with the development plan, would be outweighed by other considerations.

Reasons

- a) *Location*
12. Located on the southern edge of the village of Barkway and adjacent to the High Street's western side, the site consists of part of an irregularly shaped area of scrubland enclosed by trees. To the site's western boundary, a row of

conifers separates the site from Ashmill Poultry Farm. Clockhouse Cottage and several houses on Ash Mill adjoin the site to the north and northeast. On the High Street's eastern side facing the site is Barkway Cottage.

13. To the south, there is further scrubland enclosed by trees and a road leading to Buckland. Further south, The Tally Ho public house lies on the High Street's eastern side with Barkway Service Station and a group of housing yet farther south. Signage noting the village's entrance is located close to the housing.
14. The proposed development would comprise the erection of six houses with associated access and parking. Though the site is outside Barkway's defined settlement boundary, the site's north-eastern edge directly adjoins the settlement boundary. The proposed development would include a new highway access opposite Barkway Cottage.
15. Policy SP2 of the North Hertfordshire Local Plan 2011 - 2031 (NHLP) deals with the district's settlement hierarchy and spatial distribution of development. It confirms that the NHLP makes provision for at least 13,000 new homes and that around 80% of the district's housing development will be located within the settlement boundaries of Baldock, Hitchin, Letchworth Garden City and Royston, and at Stevenage and Luton where the district adjoins those towns.
16. The settlement hierarchy's second tier comprises five villages, including Barkway. It is expected that approximately 13% of housing development would be within these villages' settlement boundaries. Remaining development would be dispersed across smaller villages and settlements within categories A, B and C. Outside these locations or general parameters, development will be permitted where this is supported by an adopted neighbourhood plan.
17. Supporting text to NHLP Policy SP2 states that much of this housing growth will be delivered on allocated sites, supplemented by windfall sites within settlement boundaries and consistent with the policy's parameters as well as further sites identified through neighbourhood plans. There are two allocated housing sites in Barkway, both to the north within the settlement boundary. No allocations are made through the BNNP. The site is not allocated for residential development and is outside Barkway's settlement boundary. It would not fall within NHLP Policy SP2's parameters.
18. NHLP Policy CGB1 addresses rural areas beyond the Green Belt. The site falls within this designation as defined on the NHLP Proposals Map 2022. NHLP Policy CGB1's criteria include infilling development which does not extend a category B village's built core, meeting a proven local need for community facilities, services or affordable housing in an appropriate location, being strictly necessary for agriculture or forestry needs, relating to an existing rural building, being a modest proposal for rural economic development or diversification, or providing land or facilities for outdoor sport, outdoor recreation and cemeteries. None of these criteria within NHLP Policy CGB1 are applicable to the proposed development.
19. Along with the adjacent scrubland, the site was identified in the Council's Strategic Housing Land Availability Assessment 2016 (SHLAA) as site 203 Land south of Ash Mill. Site 203 partially met the SHLAA tests. Though no odour assessment was carried out, the SHLAA refers to potential amenity issues arising from the poultry farm and that development around the rear of the site is unlikely to be suitable because of this. The SHLAA refers to the possibility for

frontage development subject to no adverse impact upon listed buildings and the conservation area. The dwelling estimate for site 203 was six houses. The site was not taken further for allocation. The SHLAA's findings therefore have only limited weight as the site was not considered suitable for allocation.

20. Planning permission was refused (Ref 16/02588/1) in December 2016 and dismissed at appeal² for three two-bedroom houses on the site's northern edge. The Council and the Inspector agreed that the proposed development in that instance represented a sustainable form of development, with the exception of the effects of odour on future occupiers. The 2017 appeal was determined under the previous Local Plan (1996) and there was no five year housing supply at that time. Notwithstanding the difference between the proposals and the respective sites in the two appeals, I afford the 2017 appeal moderate weight.
21. The site is located close to existing housing. Unlike Barkway's two site allocations, it is proximate to the petrol station's small shop and vehicle repair centre and to the public house. The first school and nursery, teashop and village hall are within walking distance. The proposed development would support the ongoing vitality and viability of the limited local services.
22. However, bus services are very limited and the proposed development's future occupiers would not be able to use such bus services for accessing work, school or social activities. Given the narrow, unlit and winding rural roads outside Barkway, it is unlikely that anyone but the keenest cyclist would cycle regularly to other settlements. The proposed development's future occupiers would be reliant on the private car to access employment, services and facilities. Though this would be no different to other village residents, there would be an increase in the number of residents needing to travel by car.
23. Reference was made to an appeal³ in Therfield for housing on a former vehicle depot. While the main parties' views differ on that appeal's relevance, it appears that the main similarities are that both would fail to comply with NHLP Policies SP2 and CGB1 and that it is necessary to consider other material considerations and perform a balancing exercise prior to reaching a decision.
24. BNNP Policy BN H6 deals with small-scale and infill development within the settlement boundary. I concur with the Parish Council and the Council that the site falls outside the settlement boundary and would fail to comply with BNNP Policy BN H6.
25. I conclude that the proposed development would not be in a suitable location, with particular regard to the development plan and national planning policy. It would therefore fail to comply with NHLP Policies SP2 and CGB1 set out above.

b) Character and appearance

26. The conservation area encompasses most of the High Street. It runs from The Tally Ho public house in the south to Cambridge Road to the north. Its boundary lies to the rear of properties fronting the High Street, but extends from the High Street to include land at Manor Farm and the Church of St Mary Magdalene. Only the site's frontage is in the conservation area.

² APP/X1925/W/17/3173257 dated 11 September 2017.

³ APP/X1925/W/23/3324095, dated 22 February 2024.

27. The Barkway Conservation Area Character Statement 2019 (BCACS) describes Barkway as a long-established linear village which developed as a stopping point on the coaching route from London to North-East England. The village's prosperous past is exemplified by the High Street's listed former coaching inns and domestic buildings from across the centuries. Buildings vary in style, age, and materials. Much of the conservation area's special interest stems from the northern part of the conservation area's largely linear and enclosed character along the High Street, with pasture adjoining the rear of High Street properties. Beyond the pasture and its vegetated boundaries, there are larger arable fields.
28. At the village's southern end, gaps between buildings increase and provide a more rural, open character to the conservation area. The site is a green gap of scrubland between Clockhouse Cottage and the service station. Barkway Cottage faces the site. The site is not specifically mentioned in the BCACS, though BCACS key view KV9 is described as adjacent to Barkway Cottage looking north and includes the site's boundary vegetation in the view down the High Street.
29. Barkway Cottage at 147 High Street is a one and a half-storey thatched cottage dating from the late 16th or early 17th century, with 19th and 20th century additions and alterations. Formerly several dwellings, it is timber-framed and rendered with a steeply pitched thatched roof with deeply overhanging eaves. It is screened from the road by hedging and tall timber gates. Barkway Cottage's historic value likely stems from its survival as a late 16th or early 17th century timber-framed building with a thatched roof. The cottage's setting has altered over time, with change to the north and the east with newer housing. Though 145 High Street is a substantial recent building, housing to the east of the cottage is not as obvious from the High Street.
30. North of Barkway Cottage and on the High Street's western side adjoining the site, Clockhouse Cottage at 158 High Street is a former turnpike tollhouse dating from the late 18th century, with some 20th century alterations. The two-storey building with a clock in a round chamfered opening with a bracketed hood is parallel to the High Street to allow a view of the road approaching Barkway. Clockhouse Cottage is listed for its historical interest. The cottage and its garden are separated from the site by boundary hedging and trees. The garden and the site are at a slightly higher land level than the cottage itself.
31. NHP Policy HE1 states that planning permission for development proposals affecting designated heritage assets or their setting will be granted where they, amongst other things, enable the heritage asset to be used in a manner that secures its conservation and preserves its significance, and will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use.
32. There is a difference of opinion on the reason for the diagonal conservation area boundary across part of the site's frontage. Whether arbitrary or related to the former tollhouse's position, it is unlikely that the original rationale for designation will be found. However, the part of the site closest to the High Street remains part of the conservation area and I have considered it as such.
33. While it is clear that Barkway Cottage predates Clockhouse Cottage, it is also evident from mapping that the site has historically formed part of an open field adjacent to Clockhouse Cottage and opposite Barkway Cottage. The setting and

backdrop of the conservation area and the two listed buildings has inevitably changed over time, particularly with the introduction of the poultry farm and the adjacent belt of coniferous trees. Notwithstanding the farm buildings, coniferous and deciduous trees, and boundary treatments around Clockhouse Cottage, the site provides a sense of openness and rurality at this end of the conservation area. This would be detrimentally altered by the introduction of housing and the associated access, parking, and domestic paraphernalia.

34. Though the illustrative masterplan is not for formal determination as layout is reserved, it shows houses with rear gardens adjacent to the High Street. While this is indicative and may be influenced by odour issues, the scheme would back onto the High Street. This would not be consistent with the High Street's general orientation of housing.
35. With regard to BCACS key view KV9, this is a view travelling north along the High Street with Barkway Cottage's thatched roof visible above hedging and Barkway Cottage's outbuilding and neighbouring No 145 more visible beyond. It is similar to view 5c in the appellant's Landscape and Visual Impact Assessment (LVIA). This soft, verdant approach to the conservation area would alter somewhat as a result of the proposed development's access. This access would introduce a gap between existing vegetation along the site boundary. The extent of change to key view KV9 itself would depend on whether the remainder of the existing vegetation would be retained and strengthened by additional planting. If planting was retained and strengthened, views of the access and housing from key view KV9 would be limited.
36. However, on moving down the High Street towards Barkway Cottage and Clockhouse Cottage, there would be more significant change, with the former tollhouse at Clockhouse Cottage losing its somewhat isolated position on the High Street's western side. Despite not all tollhouses being isolated, this former tollhouse would be negatively impacted by the addition of housing within its setting, which does not simply comprise the road. With regard to Barkway Cottage, although its hedging and gates separate it from the road to an extent, it is presently seen in a more open setting with the scrubland opposite. This setting would become more enclosed as a result of housing, planting, and other boundary treatments. This would have an adverse effect.
37. BNNP Policy BN HA2 deals with non-designated heritage assets (NDHA) and identifies The Tally Ho public house as an NDHA, while BNNP Policy BN HA3 requires the conservation area's character or appearance and its setting to be preserved and, where possible, enhanced in accordance with the BCACS. BNNP Policy BN NE4 identifies important views and confirms that new development within important views should ensure that the views' key features can continue to be enjoyed. Where appropriate to the development's scale, location and type, proposals should include assessment of the visual impact of development on important views. Proposals where a harmful impact is identified will be supported where appropriate mitigation measures can be delivered.
38. BNNP view V13 is a view in the middle distance from Buckland Road back across a field into the village's southern end. The BNNP refers to the poultry farm not detracting from the rural feel of this village approach. View V13 is similar to LVIA view 6.
39. During the site visit, the chicken farm was visible from view V13, as was the scrubland which forms the site and the adjacent land. Given the time of year,

the deciduous trees were not in leaf along the scrubland's boundaries. From view V13, the houses along the High Street could be glimpsed through screening trees, though the glimpses were limited and obscured by distance and tree branches. Though the illustrative masterplan shows two houses as being at the edge of view V13, the two houses would have a very limited effect on view V13 as they would remain partially obscured by trees and would be viewed at a distance in the context of nearby housing along the High Street.

40. There are similarities between the site and a site at Police Row, Therfield. This is due to their locations within their conservation areas, the proximity and position of listed buildings, and the timing of publication of conservation area character statements. The Police Row site is allocated as NHLP site TH1 and has planning permission for residential development, while the site in Barkway was not allocated due to odour concerns. I understand the Council has sought to ensure that the proposed development on site TH1 mitigates any negative effect on designated heritage assets and prevents coalescence between villages. I have therefore considered the appeal on its own merits.
41. The proposed development would fail to preserve or enhance the character or appearance of the conservation area and would also harm the conservation area's setting. It would also fail to preserve the setting and therefore the contribution that the setting makes to the special interests of the Grade II listed buildings at Barkway Cottage and Clockhouse Cottage. I find that the proposed development would cause less than substantial harm to the significance of the aforementioned designated heritage assets.
42. In summary, the proposed development would have a negative effect on the character and appearance of the area, including the Barkway Conservation Area and Grade II listed buildings at Barkway Cottage and Clockhouse Cottage. The proposed development would also be contrary to NPPF paragraph 135 c) which looks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
43. With regard to conserving and enhancing the historic environment, NPPF paragraph 212 requires great weight to be given to the conservation of designated heritage assets irrespective of the extent of harm. NPPF paragraph 213 states that any harm to significance should require clear and convincing justification, while NPPF paragraph 215 requires less than substantial harm to be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use. NHLP Policy HE1 has similar requirements. This heritage balance will form part of the overall balance later.

c) Odour

44. NHLP Policy D3 states that permission will be granted for proposals which do not cause unacceptable harm to living conditions. Where the living conditions of proposed developments would be affected by an existing use, the Council will consider whether there are measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation would address the identified harm, the policy confirms that proposals will not be permitted.
45. NPPF paragraph 200 outlines that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an

existing business' operation could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed.

46. The site lies adjacent to a poultry farm which operates on a growing cycle length of just under 50 days and around seven growing cycles per year. The birds are grown for meat for some 38 days. The farmer has confirmed that up to 70,000 chickens in total can be kept in three sheds, though modelling has been undertaken on a maximum capacity of 60,000 birds. During the growing cycle, a percentage of the birds are removed to allow greater space for the remaining birds to grow. At the end of the growing cycle, the birds are caught and removed for slaughter and preparation for sale elsewhere. It is at the end of the growing cycle that odours are expected to be at their worst. This period is then followed by approximately 10 days when the poultry sheds are cleaned and disinfected, which also gives rise to a risk of odour.
47. The poultry sheds' temperature and odour levels are regulated using a forced ventilation system with fans in each shed's roof ridge drawing the outside air into the sheds from each shed's sides and out through stacks in each shed's roof. The birds are kept on litter. Odour emissions depend on the drinking system, length of growing period, density of birds, bird health, and temperature. The litter is removed in covered vehicles, while wastewater from the cleaning process is stored in underground tanks prior to dispersal on a neighbour's land. Some wastewater goes into a ditch south of the poultry farm.
48. The poultry farm has an Environment Agency permit⁴, which includes a condition to control off-site odour impacts. An odour management plan has been in place since 2007, designed to prevent or minimise odours. Ongoing pollution control is regulated by the Environment Agency and any necessary enforcement action would be within the Environment Agency's remit.
49. Notwithstanding its indicative nature, the illustrative masterplan shows that the frontages of five proposed dwellings would be located between 60m to 70m from the poultry sheds. As indicated, the sixth house would be located further east, behind other dwellings on site. Closer to the poultry farm, the site would indicatively contain a village green, meadow and an area for outdoor play. It is recognised by both main parties that the indicative layout would maximise separation distances from the poultry sheds and it may assist in reducing risk to the proposed development.
50. The appellant has submitted desk-based odour assessment work which comprises an assessment of past odour complaints about the poultry farm, an odour dispersion modelling study, and a qualitative Source-Pathway-Receptor assessment. Furthermore, a Field Odour Survey dated 24 July 2023 (Ref: ODC_P1013A_H1-3) was submitted. As the IAQM Odour Guidance⁵ highlights, because "various assessment tools have different applications, strengths and limitations, they are often used in combination."
51. No complaints were received by either the Council or the Environment Agency within a 3km radius and attributed to the poultry farm from early 2017 to May 2023. In May 2023, a complaint was submitted in respect of odour. It is

⁴ Ref: EPR/YP3930UJ

⁵ Guidance on the assessment of odour for planning, Institute of Air Quality Management, Version 1.1, July 2018, page 11, section 3.1, paragraph 9.

- unclear if this more recent complaint could be attributed to a sewage pumping station or poultry odour. Notwithstanding the relative absence of complaints old and new, this does not indicate that the proposed development's future occupiers would not complain about odour from the poultry farm.
52. Assessment of the impacts of odour from the poultry farm on the proposed development has used dispersion modelling. This indicates that $3 \text{ OU}_e/\text{m}^3$ expressed as the 98th percentile of one hour mean concentrations is not exceeded where the residential properties would be located.
53. The Council has raised concerns about the dispersion modelling in respect of the use of unrealistically low odour emission rates sourced from a research paper⁶, the variability of odour emission rates, air emission temperatures, and a failure to analyse and correlate modelling results with individual odour exposures based on the test locations from the field odour testing.
54. With particular regard to the odour emission rates, the level of $0.237 \text{ ou}_e/\text{s}/\text{bird}$ for an average 1.5kg bird is significantly lower than the rates previously presented at appeals⁷ nationally and bird weight and the rate identified for average Summer odour emissions in a report⁸ supplied by the farmer in respect of this site. I am concerned that the appellant's approach fails to be sufficiently robust. Therefore, it has not been demonstrated that the conclusions reached in the appellant's dispersion modelling can be relied upon.
55. The field odour survey work was undertaken over three days: 30 June, 5 and 6 July 2023. Information on the growing cycle's anticipated end was provided by the farmer and coincided with the second survey day. The appellant's field odour surveys were undertaken when temperatures ranged from 20 to 25°C.
56. Test locations 8, 9, 11 and 12 in the field odour survey were allocated as high sensitivity where houses and their gardens would be located, while test locations 7, 10, 13 and 14 were defined as medium sensitivity where the open space and play area would potentially be sited.
57. The Council considers that the appellant has incorrectly interpreted their field odour observations as the test locations 8, 9, 11 and 12 experienced moderate adverse or substantial adverse odour effects. In addition, the assessor described unpleasant odours of poultry or vegetation/poultry in some locations. As a result, the Council provided revised interpretations of the appellant's field odour findings. The appellant noted at the hearing that there had been anomalies in their data due to a spreadsheet error. It was therefore agreed during the hearing that the Council's revised interpretations were correct in respect of the extent of odour effects found at particular locations. Accordingly, the Council posits that the resulting findings of medium and large odour effects at test locations 8, 9, 11 and 12 are not consistent with the appellant's findings that these locations were predicted to experience 98th percentile odour impacts well below $3 \text{ OU}_e/\text{m}^3$ in their odour dispersion modelling.
58. Additionally, test locations 13 and 14 also experienced moderate adverse effects. Given that the open space and play area within the proposed

⁶ Valli, L., Moscatelli, G., and Labartino, N. (2008) Odour emissions from livestock production facilities.

⁷ APP/K3415/A/13/2199283, decision issued 15 January 2014; APP/D2510/A/06/2016169 decision issued 25 June 2007; APP/Y2430/W/15/3100597, decision issued 19 February 2016.

⁸ An Assessment of the Odour Impact of the Existing Poultry Houses at Ashmill Poultry Farm, Barkway, near Buntingford in Hertfordshire, ADAS, dated 23 December 2011.

development are intended for use by both future occupiers of the proposed development and by the wider public, this is also of concern.

59. The appellant made oral submissions at the hearing in relation to the field odour survey work. I appreciate that odour effects were more significant on 30 June and 5 July 2023 than 6 July 2023 and that the appellant considers such odour surveys represent intermittent moments in time during the worst case scenario of climatic conditions, the appellant's submissions did not satisfactorily address the Council's concerns and were not, to my mind, persuasive.
60. As such, there would be a risk of significant adverse effects on the living conditions of the future occupiers of the proposed development if it were to be allowed. Furthermore, if the proposed development were to gain permission, the potential for significant adverse effects would also be likely to result in odour complaints about the poultry farm, a longstanding local business. This would be contrary to NPPF paragraph 200 set out above.
61. In addition to the mitigation offered by the indicative layout, the appellant has put forward a condition to restrict the opening of windows within the proposed development and to require delivery of mechanical ventilation. Keeping all windows closed would be less than ideal and indicates to me that the site may not be suitable for residential use while the poultry farm remains in situ. Being able to open windows within one's family home is a part of everyday life, particularly when the weather is warm. Non-opening windows would give rise to an oppressive living environment for future occupiers, with energy and maintenance cost implications. It also fails to mitigate the potential effect of the poultry farm on future occupiers' use of their gardens. Furthermore, I am not convinced that it could be implemented and maintained in perpetuity. It would not therefore be reasonable or enforceable.
62. In conclusion, it has not been satisfactorily demonstrated that the site is an appropriate location for the proposed development, with particular regard to the effects of odour on the living conditions of future occupiers. This would be contrary to NHLP Policy D3 as set out above.

d) Other considerations

63. The proposed development would provide six market dwellings which would be suitable for families and would have generous private amenity space close to the defined settlement boundary for the village. Though only six dwellings, the proposed housing would contribute towards housing requirements in North Hertfordshire, a district which presently does not have a five year supply of housing land. Some 66% of the homes would be three-bedroom dwellings, for which there is a district-wide need. Though outside the settlement boundary, the site's future occupiers would be able to walk to the limited range of services and facilities in Barkway. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and I note the significant emphasis the Government places on boosting the supply of housing. The provision of six houses would have moderate weight. The appellant has referred to the SHLAA to which I have afforded limited weight. I have also afforded the 2017 appeal decision moderate weight.
64. The appellant has put forward £123,000 towards the delivery of affordable housing within the district. This recognises that the Council has not met its minimum requirements for the delivery of affordable housing. The unilateral

undertaking dated 20 April 2023 seeks to secure this contribution. In ascertaining the weight to be afforded to the monies, I have considered the contribution in light of the tests set out in the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 58. Even if the unilateral undertaking was not flawed due to the absence of a signature for Edit Residential and the failure to refer to the appeal process, it is not necessary to make the development acceptable, is not directly related to the development, and is not fairly and reasonably related in scale and kind to the development. There is no local policy requirement for schemes of this size to deliver affordable housing as indicated by NHLP Policy HS2. Accordingly, the affordable housing contribution has no weight in my decision.

65. The proposed development would be energy efficient, using sustainable materials and renewable energy sources to minimise environmental impact. The scheme would also have landscape, community and ecology benefits in the form of green open space for public access, a copse, a meadow and a play area. There would be 42.84% net gain in Habitat Units, 52.97% net gain in Hedgerow Units and 10.14% net gain in River Units, despite the application having been submitted prior to the statutory requirement for biodiversity net gain being in place. Furthermore, the proposed development would increase local spending and create jobs during construction. The sustainability, landscape, community, economic and ecology benefits would have significant weight.

Other Matters

66. Interested parties have raised several other matters with regard to drainage, sewerage, biodiversity, highway safety, precedent for development, the loss of a military pillbox, and the living conditions of neighbouring occupiers with regard to privacy and noise. Given my findings on the main issues, it has not been necessary to consider the other matters in any detail.

Planning and heritage balance

67. Starting with the heritage balance set out in NPPF paragraph 215, it is necessary to weigh the less than substantial harm to the significance of the conservation area and the listed buildings against the public benefits of the proposal. I have set out the public benefits of the proposed development above and I have found that together they have significant weight.
68. Considerable importance and weight should be given to the less than substantial harm to the significance of the designated heritage assets. Therefore, the public benefits would be insufficient to outweigh the harm or provide the clear and convincing justification for the proposal, contrary to NPPF paragraphs 212, 213, and 215. It would also be in conflict with NHLP Policy HE1. This is sufficient on its own to indicate that planning permission should be refused.
69. Turning to the overall planning balance, NPPF paragraph 11(d) is engaged due to the Council's lack of five year housing land supply. The paragraph directs decision-makers to grant planning permission unless one of two exceptions apply. Given that the application of NPPF policies relating to designated heritage assets provides a clear reason for refusing the proposed development, the first exception in 11(d)(i) applies. Thus, the proposal would not benefit from the presumption in favour of sustainable development.

70. In conclusion, the proposed development would not be in a suitable location, with particular regard to the development plan and national planning policy. It would also have a detrimental effect on the character and appearance of the area, including the Barkway Conservation Area and Grade II listed buildings at Barkway Cottage and Clockhouse Cottage. Finally, it has not been satisfactorily demonstrated that the site is an appropriate location for the proposed development, with particular regard to the effects of odour on the living conditions of future occupiers. It would therefore be contrary to the development plan taken as a whole, with no material considerations to indicate otherwise.

Conclusion

71. For the reasons given above, and having had regard to all other matters raised, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR

Appearances

For the Appellant:

Shane Aherne BSc BArch MRIAI MRIBA	Appellant, Co-Founder and Director at Edit Residential
Adam Gostling BA Dip TP MRTPI	Director, hgh Consulting
Dr Claire Holman BSc (Hons) PhD CSci CEnv FIEEnvSc FIAQM	Director at Odour Consultants (part of Kalaco), President of the Institute of Air Quality Management
Kieran Laxen MEng (Hons) MIEnvSc MIAQM MRASE	Director at Odour Consultants (part of Kalaco), Vice Chair of the Institute of Air Quality Management (IAQM), Independent expert advisor on the Welsh Government's Clean Air Advisory Panel
Dominic Lunnon MRTPI	Principal Planner, hgh Consulting
Andy Moger BA (Hons) MA MRTPI,	Director, Tetlow King
Geoff Noble BA DiplConsAA DipUD MRTPI IHBC FRSA	Director at Geoff Noble Heritage + Urban Design

For the Council:

Thomas Howe	Planning Officer
Anne McDonald	Development Management Team Leader
Stephen Peirson	Silsoe Odours
Mark Simmons	Senior Conservation Officer
Robert Sneath	Silsoe Odours
Alan Stone	Environmental Health

Interested parties:

Laura Gordon	Local resident
Sandy Gordon	Local resident
Jacqueline Veater	Govresources Ltd for Barkway Parish Council

Documents submitted at and after the Hearing:

LE1	Letter from RSK Environment Limited dated 2 April 2021
LE2	Appeal decision APP/T3725/W/23/3324807 dated 12 April 2024
LE3	Addendum Report - Assessment of the Odour Impact of a Proposed Poultry Unit at Norton Lindsey, Ref; 443172, dated October 2020
LE4	Appellant's Further Costs Submission dated 29 January 2025
LE5	Council's Further Costs Response dated 5 February 2025