

# Review of planning application

## 23/00666/FP Dixies Meadow, High Street Ashwell, Hertfordshire SG7 SNS

<https://pa2.north-herts.gov.uk/online-applications/applicationDetails.do?keyVal=RRTSU2LL<JWE00&activeTab=summary>

*In this document Ashwell Parish Council (APC) has put forward arguments and provided analysis relating to the above application solely in support of its position (that planning permission should be denied). It is aware that North Herts District Council's Planning team will be familiar with the points being made and the underlying policy. APC has no wish to guide or instruct North Herts District Council NHDC).*

### APPLICATION

- 1 Erection of 12 dwellings with associated hard and soft landscaping, creation of vehicular access, public open space and children's play area on Dixies Meadow.

### APPLICATION SITE

- 2 Dixies Meadow is situated outside of the settlement boundary of Ashwell (a Category A village), as defined in the adopted NHDC Local Plan (LP) and Ashwell Neighbourhood Plan (ANP). The southern part of the site is within the conservation area (a designated heritage asset).
- 3 The site is identified as Rural Area Beyond the Green Belt in the LP and as an area of green infrastructure in the ANP. The site forms a large open and green gap fronting on the High Street, which is the principal route through the conservation area. It connects to open agricultural land to the north and north-east, providing a visual link between the village and the open pastoral landscape to the north and a contrast to the built up areas either side.
- 4 Directly opposite the site is Dixies Farmhouse (grade II listed designated heritage asset), which has a historic agrarian and open space connection to Dixie's Meadow and, visually, to the agricultural land beyond.
- 5 To the east of the site is Dixies Cottage – a traditional building of some age, which is identified as a non-designated heritage asset in the character assessment of Ashwell Conservation Area (fig 10 and 14).

- 6 Dixie's Meadow is currently used as a meadow, occasionally grazed by sheep. The meadow is one of the last remaining agricultural links to the three-field system in existence in the late ninth century or early tenth century (and possibly older).

## PLANNING HISTORY

- 7 In 1986 an application for development of sheltered housing for elderly persons was dismissed at appeal.
- 8 The inspector noted the importance of the site within the conservation area and its contrast with the built-up areas on either side. The inspector also noted the loss of views through to the agricultural land and countryside that would result by development on the site.
- 9 The inspector concluded that the detriment that would be caused to the appearance and character of the conservation area by development of the site would cause demonstrable harm.

## APPLICANT'S POSITION

- 10 The applicant seeks to justify grounds for its application based on:
- LP policy CGB1 allowing development outside of the settlement boundary in carefully defined circumstances, in particular CGB1(a) infill development which does not extend the built core of a Category B village
  - its consideration that NPPF para 11 footnote 8, relating to housing supply and the 'tilted balance' should apply in determining this application
  - its position that potential benefits of the proposed development outweigh the harms

## ASHWELL PARISH COUNCIL'S POSITION

- 11 Ashwell Parish Council (APC) objects to this planning application on the basis that:
- the site is outside the settlement boundary
  - it conflicts with the limited LP and ANP policies allowing development outside the settlement boundary in carefully defined circumstances
  - it conflicts with an additional number of LP and ANP policies, meaning the application should be refused, even if the site was within the settlement boundary
  - the development would cause harms that would significantly outweigh the limited benefits
- 12 APC considers that there are no justifiable reasons to determine the application with reference to NPPF para 11 footnote d. However, even if the application was determined with reference to NPPF para 11 footnote d, the harms would still significantly outweigh the benefits.
- 13 The justification for APC's position is detailed within in this report.

## POLICY REQUIREMENTS FOR DEVELOPMENT OUTSIDE THE SETTLEMENT BOUNDARY

- 14 LP policies SP2 and SP8 states that in Category A villages, development will be allowed within the defined settlement boundaries. Dixies Meadow is located outside of the settlement boundary. The applicant therefore seeks to justify development based on limited exemptions in the LP.

### LP policy CGB1

- 15 The applicant references LP policy CGB1 as having relevance in determining this application. APC notes - from the applicant's planning statement - that during pre-application discussions NHDC advised that the application was contrary to this policy.
- 16 APC agrees with this opinion and argues that CGB1 is not applicable, because it relates to development in a Category B village and Ashwell is a Category A village.
- 17 APC considers that - even if CGB1 was relevant – the development would extend the built core and is therefore contrary to CGB1(i). APC argues that the applicant's plan demonstrating impact on the built core is incorrect. APC provides plan 1 below, which demonstrates that the development would extend the built core, with reference to the properties immediately to the east and west of the site (line a, plan 1). The development would also increase the built core with reference to the properties beyond those immediately to the east and west (line b, plan 1).

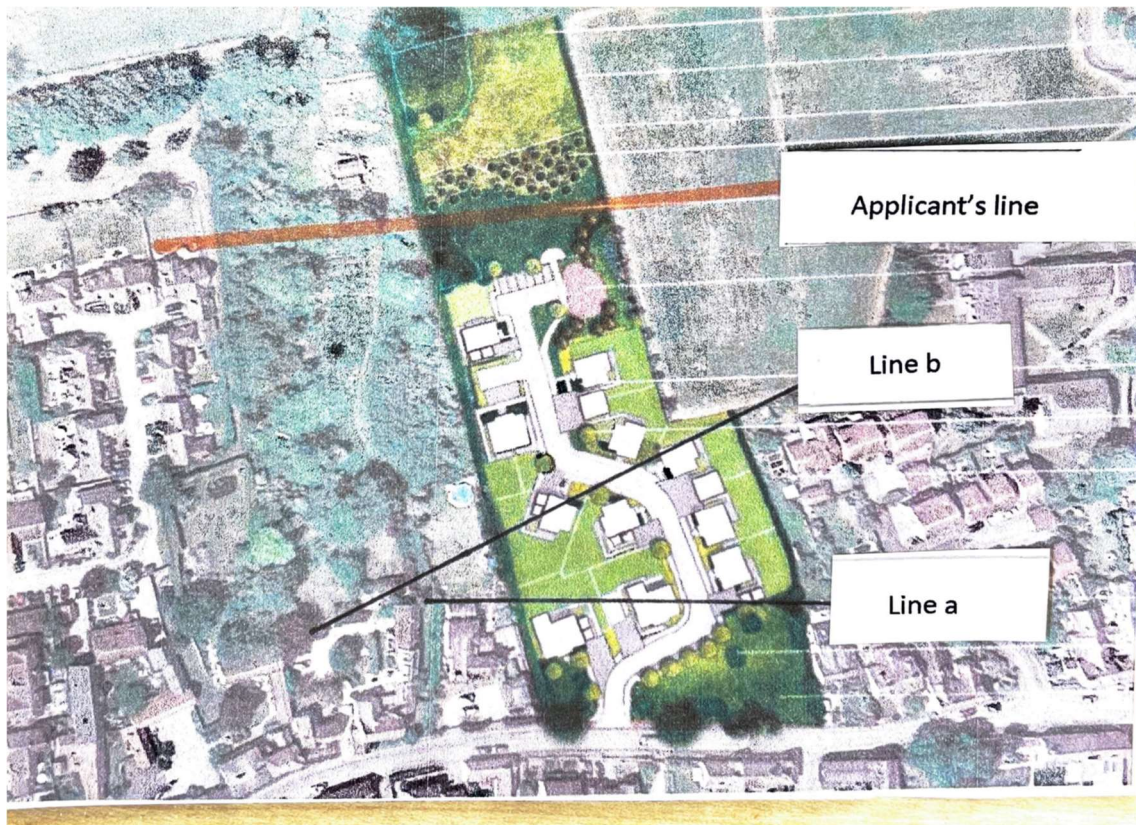


Fig. 1 Plan 1

## LP policy CGB2b

- 18 It is possible that LP CGB2b could be considered relevant in determining this application. This provides for planning permission for community facilities, services, or affordable housing in the Rural Area Beyond the Green Belt in land adjoining Category A villages.
- 19 APC considers that the application does not comply with CGB2b because:
- the land is not identified for such development in the ANP
  - the development does not meet a proven local need as identified through a parish survey or other relevant study
  - the public benefit of the proposal does not outweigh any harm that might arise. APC's assessment of the harms of the development and the public benefits can be found later in this report
  - the application provides a pre-dominance of market housing which conflicts with the provision in CGB2b that '*limited* market housing to cross-subsidise schemes will be granted planning permission in exceptional circumstances where it can be demonstrated that the level of market housing proposed is strictly necessary to make the required development deliverable and would accord with criteria (d) and (e) of this policy'.

## Conclusion on Development Outside Settlement Boundary

- 20 APC concludes that there is no justifiable policy basis to allow this proposal for development outside the settlement boundary.

## FURTHER POLICY CONFLICTS & HARMS ASSOCIATED WITH THE PROPOSAL

- 21 APC has identified a number of significant further policy conflicts and harms that would result from the proposed development. These harms are particularly relevant in any assessment required on the balance of harm and benefit.

### Historic environment and design

- 22 LP policy SP13 describes a strong presumption in favour of the enhancement of heritage assets and their setting according to their significance. LP policy D1 states that planning permission will be granted provided that development proposals respond positively to the site's local context. The NPPF requires all developments to be of high quality design and to equally respect the setting of listed buildings and Conservation areas. APC considers that the application conflicts with these policies and causes harm to designated and non-designated heritage assets.

### -Listed buildings

- 23 APC considers that the development will substantially impair the setting and drain the significance of Dixies Farmhouse – a Grade II listed 15th or 16th century timber framed hall house, which faces directly on to the site. The building is of special architectural and historical interest, with a longstanding connection and relationship to the open land

opposite it. It is - as the applicant's HIA acknowledges (3.5, page 5) - a tangible connection with farming life at a remote time in the past. Dixies Meadow is one of the last remaining agricultural links to the three-field system in existence in the late ninth century or early tenth century (and possibly older).

- 24 The applicant's HIA (1.4, page 6) claims development would provide "Better landscaping for the setting of Dixies farmhouse." However, the treatment proposed is at complete odds with the nature of the setting that has prevailed for centuries. An Ashwell tithe map shows the meadow in 1841 largely as it is now. The proposed development provides no visual permeability across the site from Dixies Farmhouse.
- 25 APC considers the significance and setting of Dixies Farmhouse to be intrinsically linked to the agrarian/open setting opposite and to the agricultural landscape beyond. The proposed development would entirely eradicate this setting, replacing it with a 'small' green, beyond which would be the side aspects of houses, therefore totally removing the visual permeability and connection to the agricultural landscape beyond. Eradicating its agrarian/open setting would also effectively drain its significance. It is the only remaining listed building on the High Street which is opposite to and linked with (the only remaining) agrarian/open land fronting the High Street.
- 26 Dixies Farmhouse is not the only valued structure whose significance would be impaired. Ashwell is a parish with 78 nationally listed buildings, of which virtually all are within the village. That makes it exceptional for its size in the county of Hertfordshire. Within 50 metres of the site's boundaries lie 7 listed buildings and the applicant's heritage consultant mentions 10, "in the vicinity".

#### -Conservation area

- 27 The applicant repeatedly and erroneously attempts to play down the importance of Dixies Meadow to the conservation area and as a valuable village view.
- 28 The applicant's planning statement (para 6.8) states that, "Dixies Meadow is not mentioned by name in the Council's appraisal of the conservation area." It goes on to say, "There is no suggestion that the view northward over the meadow, from High Street, is a significant key view." Both statements are false. Presumably they are based on the applicant's Landscape and Visual Appraisal (2.2.7, page 7), which says, "The Neighbourhood Plan identifies a series of Locally Significant Views which have been informed by the Ashwell Conservation Area Character Statement. It is noted that, within the context of the site, both documents focus on views along High Street towards St Mary's Church rather than out, across the site, to the north."
- 29 NHDC's Conservation Area Appraisal June 2022 (page 56) refers to Dixies Meadow as follows, "The view north from the High Street across Dixies Meadow [Figure 76] also provides important views across the Conservation area's setting, including views of the Church of St Mary."
- 30 Likewise, the ANP highlights the importance of Dixies Meadow to the conservation area in its reference to Character Area V3 and the views to the north in its view SV6 under policy ASH8.
- 31 Page 57 of the Conservation Area Appraisal emphasises that, "along with its high- quality buildings of historic and architectural merit, the Ashwell conservation area derives

significance from its historic settlement pattern." Specifically, "the agrarian landscape that surrounds the settlement of Ashwell has played a vital part in the evolution of this settlement pattern, the village's development and the economy of the community for many centuries. The quality of the surrounding rural landscape therefore makes an important contribution to the historic setting and significance of the conservation area."

- 32 Dixies Meadow is one of the key vantage points where, "the open pastoral landscape of its setting can be viewed and experienced. The historic and rustic character of this setting is highly tangible and the enhancement it brings to the conservation area's significance, along with that of individual listed buildings and non-designated heritage assets is clear. The surrounding open landscape and fields have a direct historical and functional association with Ashwell village and the conservation area and the setting's surviving agrarian character, which is generally empty of modern development, greatly enhances its significance."
- 33 Also on page 57, a photo of Dixies Meadow is accompanied with the note that "Dixies Meadow, north of the High Street, the undeveloped nature of this part of its setting enhances the conservation area". In addition, it is noted that, "within Ashwell's setting are areas that are currently and were historically empty of development. They have had agricultural uses in the past, historically supporting the community of Ashwell (such as Dixies meadow, Elbrook Meadow and Cow Lane Meadow)."
- 34 APC notes the conservation officer's July 2022 comments that, "while the development would still enable some narrow gaps through to the land beyond to be maintained ... the development would erode the importance of this gap which contributes positively to the open nature and rural character of the ACA. This would lead to an uncharacteristic interruption of this gap and lead to a built form and suburbanisation that would be at odds with the open quality of the area."
- 35 By playing down the importance of this site to the conservation area the applicant hopes to show that the development would cause less than substantial harm to it. APC maintains that, to the contrary, the development would cause substantial harm to the conservation area.

#### **-Village character, rural setting and locally significant views**

- 36 NHDC's Design Supplementary Planning document 2011 identifies Dixies Meadow as a distinct Visual Character Area (V3) protecting farmstead buildings and extensive views of the countryside fields. The ANP refers to this visual character area, providing for its protection in policy ASH3(A).
- 37 ANP policy ASH8 identifies a view SV6 (High Street across Dixies Meadow) as significant, lying to the north east and also to the north of the High Street. The combination of green space to the north and the view of the church makes it sensitive to development.
- 38 The applicant's proposals will directly impact views of the church tower and distinctive Hertfordshire 'spike' when approaching from the west and to the north. The view to the north would be reduced to, "framed views". The site plans (see: Proposed Contextual Site Plan Coloured) show that views will be through the rear gardens of three houses, interrupted by those houses' garden boundaries, whether hedges or fences.
- 39 The view towards St Mary's Church from the High Street is interrupted by the front of the house on plot 2, and the side of the house on plot 1.

- 40 For all these reasons APC, considers that the development would compromise the view of St Mary's Church tower unacceptably. APC also considers the loss of the extensive countryside view across Dixies Meadow to the north to be unacceptable.

#### -Non-designated heritage assets

- 41 APC considers that the proposed development would cause harm to the setting of Dixies Cottage (a non-designated heritage asset) situated directly to the east of the site. It is also noted that while the proposed development has been situated away from the side of Dixies Cottage, 3 units directly overlook and are visible from its rear garden.

#### -Design

- 42 The NPPF requires all developments to be of high-quality design and to respect the setting of listed buildings and Conservation areas. LP policy D1 requires design proposals to 'respond positively to the site's local context'. APC considers that the application is in conflict with these requirements.
- 43 The application submitted is a generic cul de sac layout that does not respect, nor reflect, the historic character of Ashwell. West End and the High Street typically have housing fronting onto these two streets that run through the heart of the village. To introduce a cul de sac development that is perpendicular to the alignment of the streets would be at odds with the prevailing pattern of development within the village and its conservation area.
- 44 In Ashwell there is a variety of building styles that reflects its development over the centuries, but no single style overwhelms the layout. The possible exception is current close-style developments. However, their impact is minimal because they are well concealed or at the ends of the village away from the many sensitive structures. Due to the position of the proposed development in a prominent central location, a cluster of 12 modern houses, mostly of a similar size and all of the same period, would significantly damage the setting by creating a jarring contrast, despite the structures being set back from the High Street verge.

#### Housing mix

- 45 The application includes 9 homes for market sale and 3 affordable homes. 83% of all homes are 3+ bed. 17% are 1 and 2 bed. 100% of homes for market sale are 4 and 5 bed.
- 46 Supporting text on LP policy HS3 states that on most edge-of-settlement sites, applicants should make an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes.
- 47 ANP Policy ASH2 requires a strong emphasis on building 1, 2 and 3 bed dwellings across all tenures. This is to meet the needs of single people, couples and smaller families entering the market or in need of lower cost housing, and for older people wishing to downsize. This need is supported by the most recent Strategic Housing Market Assessment (SHMA) Volume 2, fig.28, ONS data on under occupancy in the area and parish level surveys on housing requirements.

- 48 The dominance of 4 and 5 bed homes in this application is therefore against both ANP policy ASH2(B) and LP policy.
- 49 The applicant has provided statistics in its planning statement (para 6.6, table 3), that imply there has been a good supply of smaller dwellings in the wider area, but without comparing delivery with what is actually required, this is meaningless. The SHMA identified a requirement for a small proportion of 4+ bed dwellings (25%), but not enough to justify the heavy bias toward much larger houses in this application and in recent developments in Ashwell - including 15 4 bed homes which has recently been granted permission.
- 50 The applicant attempts to establish a general need for homes in Ashwell by the following statement (Planning Statement, 5.8, page 21): "The ANP sets out that NHDC considers that, on a pro-rata basis, Ashwell's contribution to the government's housing need target is between 170-200 homes by 2031, depending on which data is used. Between 2011 and 2021, 115 dwellings were delivered within the Parish."
- 51 It suggests therefore that there is a shortfall of between 55 - 85 homes, presumably of any type, in Ashwell. This is misleading. The reference in the ANP was part of a challenge to the numbers calculated at the time. The ANP asserted that the parish did not need a further allocation of housing. NHC concurred and, in its LP, did not make either a specific or general housing allocation to the parish.

### Green Infrastructure

- 52 The site forms an area of green infrastructure, partly within the conservation area and connected to the surrounding countryside. ASH11 states that development proposals: 'should be designed from inception to create, conserve, enhance and manage the network of green infrastructure'. LP policy SP12 states the requirement to: 'Protect, identify, manage and where possible enhance a strategic multi-functional network of green infrastructure'.
- 53 The proposed development would neither protect, conserve nor enhance the green infrastructure network. It would result in the loss of land contributing towards it.

### Sustainable Transport

- 54 APC notes the Highway Authority's recommendation that permission be refused because the applicant has failed to demonstrate a satisfactory policy and design-led approach to vehicle access arrangements and footway widths contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in NPPF.
- 55 APC finds that the applicant significantly overstates access to sustainable transport in its Planning Statement, DAS Part 2 and Transport Statement. Public transport bus service is limited to 5 buses a day at 2 and 3 hour intervals. Interchange with direct rail services to/from London and Cambridge and other regional destinations is now limited, with the earliest bus arriving in Ashwell at 09:01 and subsequently at the station at 09:08.

- 56 A commuter seeking to be in central London for the start of the business day must rely on travelling by car to the station given the lack of a footpath or cycle route. While in theory it is a 14-minute cycle and a 48-minute walk, few walkers or cyclists would feel confident making this trip. In winter months it is perilously dark with no street lighting. The, "difficult access to the station" documented in the ANP (paras 12.12-12.14) has been disregarded in the planning statement.
- 57 The analysis contained in the applicant's Transport Statement (page 11, para 3.13) fails to account for the journey to the station by residents, which is largely undertaken by car. It is incorrect to state that, "despite being a village, nearly a quarter of people living in the local area who travel to work do so via a sustainable mode. This demonstrates the accessibility credentials of the site." Remove the 11.5% of those travelling by train who will have first have had to travel by car and the percentage travelling to work sustainably drops to 12.4%.
- 58 APC notes the applicant has suggested a s106 contribution towards the cost of building the footpath/cycleway to the station, recognising that sustainable transport to the station is an issue.

### Flooding

- 59 The ANP policy ASH5(D) requires that, "major development proposals (i.e. 10 dwellings or more) should be supported by a drainage scheme maintenance plan which demonstrates a schedule of activities, access points, outfalls and any biodiversity considerations. The maintenance plan should also include an indication of the adopting or maintaining authority or organisation and may require inclusion within a register of drainage features."
- 60 The lack of documentation outlining the foul drainage strategy is a deep concern, given existing and long documented problems with the sewers in Ashwell. The ANP notes (para 7.19, page 44) that, "it is essential that any new development fully takes into account its possible impact on flooding and drainage not only within the site itself but its off-site effects within the village and surrounding areas."
- 61 The Parish Council is concerned that Anglian Water's consultation response states that "desktop analysis has suggested the proposed development will lead to an unacceptable risk of flooding downstream."

### Conclusions of Policy Conflicts and Harms

- 62 APC has outlined a series of conflicts between the proposed development and adopted LP and ANP policy. In addition to this, it has been identified – by both the applicant and APC – that the proposed development would cause a number of harms.
- 63 APC understands that the threshold for substantial harm is high. However, it is APC's opinion that there are elements of substantial harm associated with the proposal. There are also additional less than substantial elements of harm that should be taken into account in any assessment of the balance of benefit and harm.

- 64 APC has explained its view that the development would eradicate the setting and drain the significance of Dixies Farmhouse, through the total removal of its historic and visual connection to the agrarian/open landscape opposite and beyond. APC considers this to be substantial harm.
- 65 APC has also explained its view that the development would cause substantial harm to the conservation area by removing the large and last remaining open/green gap on the High Street, linked directly and visually to the agricultural area beyond, therefore entirely removing this aspect of rural character and irreplaceably damaging its open nature and quality.
- 66 APC has also set out its opinion that the proposed development would impair established locally significant views across to St Mary's Church and to the north across Dixies Meadow unacceptably and that harm would be caused to the setting of Dixies Cottage.
- 67 APC argues that whether it is determined that aspects of the development would cause substantial or less than substantial harm, the limited benefits of the scheme outlined next in this report, do not outweigh the harms.

## ASSESSMENT OF BENEFITS OF THE PROPOSAL

- 68 APC has reviewed the potential benefits of the proposed development cited in section 7 of the applicant's planning statement. The applicant states these as:
- additional housing units within the district and, more importantly, within the settlement of Ashwell
  - three affordable housing units meeting a specific and recognised local need
  - provision of M4(2) adaptable dwellings suitable for residents in old age or with disabilities
  - biodiversity net gain
  - new public open space
  - the sustainable design

### Additional housing units

- 69 Ashwell Parish Council maintains that the additional market housing provides limited, if any, benefit because:
- NPPF para 62 recognises that all housing units are not equal. It is important to provide accommodation of a size, type and tenure that meets housing need and this requirement applies to all housing, not just affordable accommodation. APC's comments in relation to the SMHA and recent provision of 4+ bedroom homes is applicable here.
  - The applicant is basing its assessment on its assumption that NHDC is failing to meet its Housing Delivery Targets and therefore suggesting that any delivery of new housing is a benefit. As is stated in 84-85 in this report, this contradicts both the inspector's view on NHDC's local plan and NHDC's AMR.

- APC notes that at the time of the applicant's pre-application discussions, NHDC had not yet adopted its LP and therefore the benefits of delivering additional housing may have been considered more significant at that time.

#### Affordable housing

- 70 APC does not consider that the provision of 3 affordable housing units can be considered as a significant benefit because:
- The Memorandum from NHC's Housing Supply Officer confirms 34 affordable units have been built since the publication of the rural Housing Needs Survey for Ashwell in 2008, "meeting total need identified in the survey".
  - Local plan policy Policy SP8 sets a target for 33% affordable housing during the plan period. The proposed development would deliver 25% - which is the minimum requirement for a scheme of 12 units and therefore far from a significant benefit. Furthermore, a 25% level of delivery on this site would effectively make NHDC's overall 33% target more difficult to achieve.
- 71 Consequently, APC considers the affordable housing aspect of the proposal is, at best, a moderate benefit.
- 72 On a point of accuracy concerning the applicant's information: its planning statement (para 6.0) says that, "The last approval was for 30 dwellings (12 affordable units) on land rear of 4-14 Claybush Road." The last approval was the appealed development off Station Road for 28 dwellings including 11 (39%) affordable units.

#### M4(2) adaptable dwellings

- 73 Ostensibly the application is compliant with both local plan policy HS5(a) and part of ANP policy ASH4(A)(iii). These policies were prompted by the need to provide suitable accommodation for those with disabilities and, particularly in respect of the ANP, for older people downsizing to more manageable housing. Meeting this standard, while useful in theory, is of limited benefit in reality, because the large size of the units makes them unsuitable for older people wishing to downsize.

#### Biodiversity net gain

- 74 The methodology used to measure biodiversity gain or loss is in line with the ANP policy ASH10A, green infrastructure. APC notes the findings of the report, including the recognition that the proposed development would result in an overall loss of natural surfaces, in particular grassland.
- 75 APC argues that while the planning statement claims that providing a net biodiversity gain would be a benefit of the development, the true benefit of the site is found in its scale of natural habitat within the centre of the village, abutting the High Street. The loss of rural biodiversity and natural surfaces within the centre of the village cannot be considered as a benefit.

#### New public open space

- 76 APC considers the new public open space the development would provide to be of very limited benefit and, in fact, possibly a harm. According to ANP policy ASH15(ii)(a), to be

acceptable as recreation space, "the proposal would not have significant harmful impacts on the ... local environment.". A play space would have a negative impact on this sensitive site.

- 77 It is unlikely that anyone apart from those living in the development would walk through a 'private' housing development to use a small play area or meadow. This is definitely true in the case of a LAP which is primarily laid out for very young children to play close to where they live, i.e. within one minute's walking time. Similar arguments apply to the other areas of open space.
- 78 Overall the development would result in a net loss of open space and the provision of a relatively small amount of new public open space, most of which will be of main benefit to the residents occupying the scheme. APC therefore considers this to be of very limited benefit.

### Sustainable Design

- 79 APC argues that the application does not respond positively to the site's local context, in contrast to LP policy D1 and is therefore not a benefit.

### Conclusion of Assessment of Benefits

- 80 APC maintains that the all of the above provide limited overall benefit. APC strongly challenges the purported benefits claimed for additional housing and affordable housing. The actual benefits of M4(2) adaptability new, public open space, sustainable design and net biodiversity gain are also questioned.
- 81 If an assessment of the balance of benefit and harm is deemed necessary in determining this application, APC argues that - whether it is considered that the development causes substantial or less than substantial harm - there is no justification for arguing that the very limited benefits outweigh the harms.

## 5 YEAR HOUSING SUPPLY, THE HOUSING DELIVERY TEST AND 'TILTED BALANCE'

- 82 The applicant's planning statement (para 5.11 and 5.12) attempts to justify development by suggesting an urgent need due to a possible lack of a 5 year land supply. The applicant also argues that the LP is unrealistic. Regarding the Housing Delivery Test, the applicant maintains NHDC has failed to meet its housing delivery targets for the last 3 years.
- 83 APC contends all of this and considers that NHDC's land supply plans are detailed, specific and have been recently approved by the inspector.
- 84 APC references the following information in relation to housing supply, from the note to accompany the NHDC AMR 2021-2022 "The Inspector noted in his Report that he 'consider(s) that the Council will be able to show a rolling five-year housing land supply on the Plan's adoption' (para 122). The NPPF, paragraph 75, says 'A five-year supply of

deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan'. Footnote 40 defines a recently adopted plan and includes 'a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year'." APC notes that the North Hertfordshire LP was adopted on 8 November 2022.

- 85 Furthermore, the note continues "The revised 2021 Housing Delivery Test measurement, following the Local Plan adoption (calculation by North Herts Council) is recorded as 124% based on the stepped housing delivery targets put forward in the Inspector's Report and set out in Policy IMR as well as the covid-related adjustments set out in the HOT 2021 Measurement Technical Note."
- 86 APC therefore argues that there is no basis for determination of the application with reference to NPPF para 11, footnote 8. However, even if it was determined that NPPF para 11, footnote 8 should be invoked and the 'tilted balance' balance should be applied, APC maintains that the application should be refused on the basis that the harms outlined in this report outweigh the limited benefits.
- 87 APC also argues that, even if it was determined that NPPF para 11(d) needs to be invoked, NPPF para 14 should apply. This has the effect of making developments that conflict with an adopted neighbourhood plan likely to significantly and demonstrably outweigh the benefits, thereby warranting refusal.
- 88 The ANP fulfils the criteria (a) to (d) required for para 14 to operate, in that:
- the ANP was made in April 2022 and became part of the development plan in November 2022. This is 2 years or less before the date on which the decision is due to be made
  - there are no specific or general housing allocations for the neighbourhood plan area therefore criterion (b) is not relevant
  - the local planning authority has at least a 3 year supply of deliverable housing sites as described in the local plan
  - the local planning authority's housing delivery has been at least 45% of that required over the previous 3 years
- 89 Therefore, even in the event that NPPF para 11(d) applies, ANP policies should still apply and should be interpreted outside the context of 11(d).
- 90 As a final comment on housing supply and delivery, APC notes that the Levelling Up and Regeneration Bill being considered by government would end the obligation on local authorities to maintain a rolling 5 year supply of land for housing and although national housing targets would remain, there would be new flexibilities to reflect local circumstances.

## CONCLUSIONS

- 91 APC makes the following conclusions based on its review of the planning application and planning policy:
- there is no justifiable policy basis to allow this proposal for development outside the settlement area

- there are a series of additional conflicts between the proposed development and adopted LP and ANP policy, which mean it should be refused even if the site was within the settlement boundary,
- the proposed development would cause a number of harms and, in APC's opinion, there are would be substantial harm to Dixies Farmhouse and the conservation area
- the benefits of the proposed scheme are limited
- whether it is determined that the development would cause substantial or less than substantial harm, the limited benefits of the scheme, do not outweigh the harms
- there is no basis for determination of this application with reference to NPPF para 11 (d); however, as stated above, the limited benefits of the scheme, do not outweigh the harms