



## *Reed Parish Council*

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### **20/01605/PIP Permission In Principle Application 7 Dwellings Land To The North of Jackson's Lane, Reed**

#### **INTRODUCTION**

**Reed Parish Council wishes to register objection to this application and urges that the Permission In Principle (PIP) for housing on this site be refused.**

The application employs a novel planning route. In this respect Reed P.C. believes it essential the application is refused at this “first stage” of the route (relating to location and land use) and that a second stage of application be precluded. In particular, it would be entirely wrong to defer consideration of harm to heritage - as the applicant proposes at 3.4 of his design statement - to stage 2. There are ample reasons for refusal of the present stage 1 application set out below.

The character and timing of the application bears comment. Its form (allowing initially to Reed P.C. a consultation period of only 17 days) is regrettable and impairs rather than facilitates community engagement and comment. The timing of the application is also regrettable and should be a material factor, coming in a holiday period following the Covid Lockdown. Such timing puts obstacles in the way of the Parish Council's consultation with parishioners in the short period before it is obliged to submit a response. It puts unreasonable time-pressure on parishioners wishing to submit their own comments to the Authority. The timing also exploits the Covid-caused suspension of the Examination and adoption of the Local Plan (anticipated last January as mid 2020). The application is completely in conflict with policy SP2 of the emergent Local Plan as it applies to Reed. As the continuing examination and anticipated adoption of the Submitted Local Plan has been unavoidably suspended by a national emergency, this council believes that, on grounds of propriety and morality, this application ought not to be considered until the Local Plan examination process has resumed and continued for at least the 6 month period it has been prorogued by Covid 19. On this ground alone refusal is justified.

The crucial importance of this application for the future of Reed accounts for the length of this submission. It follows a two-hour virtual public meeting held on the 13th August attended by 23 people. Parish Councillors have also taken account of comments received by email and letters from other parishioners. All representations made, except one, were objections to the application. This is an indication of the strength of community opposition to housing in this location. Had Covid restrictions not prevented a Village Hall public meeting attendance would certainly have been greater, based on the evidence of past public-meeting attendance to do with applications for the adjacent Reed House site. These invariably drew 60-70 people in a village with a total population a little over 300.

For clarity, the rest of Reed Parish Council’s submission is prefaced with a summary abstract of 10 key objections. These are then developed and substantiated in more detail, under three headings:

1. **Objections Linked to Landscape and Heritage**
2. **Objections Linked to National and Local Planning Policy**
3. **Objections Linked to Sustainability and Safety Issues**

**Reed Parish Council: Abstract of Reasons for Refusal of 20/01605/PIP**

- a) Housing Development on this site would cause significant harm to the Reed Conservation Area and the environment in Reed.
- b) Development on the site would seriously harm heritage in Reed and have adverse effect on the wider landscape, contrary to the NPPF and Local Planning policies, including Hertfordshire District Local Plan No. 2 saved Policy 6.
- c) The location of the application site conflicts with Policy SP2 in the NHDC Emergent Local Plan, in being outside the Reed Settlement Boundary.
- d) The site is not one of the two sites in Reed allocated for housing development in the Emergent Local Plan. Furthermore, consistency in the planning process requires refusal for most of the same reasons which determined 4 refused applications (supported by 4 appeal decisions) for an adjacent site on Jackson’s Lane, at Reed House.
- e) Given the limited amenities and the existing strain on infrastructure in Reed (with notice already received by the PC of pending further infill development *within* the Reed settlement boundary) this development is not a sustainable addition to the village.
- f) The application meets the refusal criterion for prematurity in the NPPF because consent would “prejudice the outcome of the plan-making process” (NPPF 49a).
- g) Granting this PIP would be a precedent for development on other fields outside the settlement boundary to the north of Reed, with the adverse effect of irreversibly changing the distinctive shape and character of the village. This latter is an essential heritage value which conservation status and Reed’s designation as a category A village in the settlement hierarchy and the NPPF (170b & 192b) should all protect.
- h) The application is ‘*hostile*’ in the sense used in North Herts.’ Examination Documents to the Inspector of January and August 2020, which submit proposals for a solution to the District’s 5 year Housing Supply problem (*para 31 ED178 Jan. & Aug. 2020*). The present application opportunistically seeks to exploit a delay in the completion of examination of the Local Plan resulting from the Covid Emergency. Granting it licences “*unplanned and unsustainable development that undermines the integrity of the Plan-led system.*” (*para 30 ED178*), This is the case because the application proposes indiscriminate, inappropriate, development in this location and will lead cumulatively, to applications on fields like it in Reed - initially those to the east of the proposed site. It makes a minimal difference to overall housing supply in the District and confers no benefit which outweighs harm caused in Reed. As such it should be refused and, if necessary, resisted on appeal.
- i) The proposed access opposite the school would be unsafe.
- j) It is in conflict with the National Planning Policy Framework (NPPF) on sustainability grounds, because it would increase private car use in Reed, as well as overburdening existing, inadequate infrastructure.

The above and what follows reflect Reed Parish Council’s full alignment with the District council’s 2020 position with regard to its submitted plan (31:ED178) that “*the current suite of sites*” - which include the two allocated sites in Reed - “*makes maximum use of reasonable and available development sites. (LP1 p,224).*”

What follows in this Reed P.C. submission details why the present application site is not “reasonable” or sustainable:

- 1. Objections Linked to Landscape and Heritage**
- 2. Objections Linked to National and Local Planning Policy**
- 3. Objections Linked to Sustainability and Safety Issues**

### **1. Objections Linked To Landscape & Heritage**

**1.1** Heritage impact is a crucial issue in assessing an “Permission In Principle” application in this location. Consideration cannot be deferred to a subsequent Technical Details stage as is implied in paragraph 3.4 of the application document. It is material that the frontage of the proposed site is entirely within the Reed Conservation Area and in a highly visible and sensitive position in the village landscape. The Reed Conservation Area is a heritage asset and as such is afforded protection in the NPPF. Therefore, location is a material consideration in determining this PIP application. Heritage value cannot in Reed be separated from location. An essential heritage asset in Reed is the unusual, dispersed layout of the village, evolved historically and preserved from the medieval period. A key feature of this is the incidence of open aspects between different built areas around the village. The Submitted Local Plan describes Reed’s “*loose-knit layout, with the fields and open spaces in and around the village forming an important part of the village s character.*”

#### **1.2 Evidence That Location Is A Material Concern**

The inseparable connection between location, the layout of settlement and heritage value has been recognised by Planners and three Planning Inspectors in their repeated decisions against development on a site adjacent to this application site. The inspector in 2016 writes:

*“I accept the view of my colleague in the 2012 appeal that openness is a key attribute of the Conservation Area, particularly in respect of the presence of a meadow in the centre of the village and the generally wide spacing between buildings or groups of buildings.”*

(APP/X1925/W/16/3147753)

**1.3** This supports the Parish Council in its view that the proposed development, by its effect in this location, would result in significant harm to the Reed Conservation Area (notably in diminishing the “openness” which is a “key attribute”). The Council’s conviction is that development in this location would initiate an irretrievable and unjustifiable change to the distinctive historic shape and pattern of settlement in Reed. It would significantly change the physical structure of the village and with it the distinctive character, to which conservation status currently gives protection. Consent to this PIP would therefore be at odds with stipulations in the N.P.P.F: 2019: 8 c (“contribute to protecting and enhancing our natural built and historic environment”); 170 b (“conserve and enhance the natural environment”). Also 192b (the requirement to take account “of the positive contribution that conservation of heritage assets can make to sustainable communities”). The NPPF enjoins that the wider landscape must be considered in the conservation of a heritage asset. Therefore, for reasons of heritage value and the adverse effect on the Reed Conservation Area the application should be refused.

### **2. Objections Linked To National & Local Planning Policy**

#### **2.1 Policy SP2 and The Settlement Boundary For Reed**

The area of the site proposed for housing in the application falls **outside** the defined settlement boundary for Reed associated with Policy SP2 in the Emergent NHDC Local Plan (*Policy map, Sheet 2 Side B - Royston Area*). This Plan is at an advanced stage. It is not disputed by the applicant that the emergent Local Plan is a material consideration in determining this application. The settlement boundary is part of Policy SP2’s designation of Reed as a Category A village. The community in Reed was consulted on the settlement boundary, as well as on site allocations in Reed. The boundary perimeter in the Local Plan was agreed with the Parish Council and parishioners in 2013. (See appendix 1). In this consultation it was Reed Parish Council

which requested the draft settlement boundary be drawn to include the two potential development sites in Reed which appear in the Emergent Local Plan. This is consistent with the council's recognition of allowance for some appropriate development in category A villages, **within** the settlement boundary. One of the included sites - the Brickyard Lane Farm site - has since been developed by the present applicant, Rand Bros., with 12 houses. This development faced no in-principle objection from Reed Parish Council, despite being opposed by Planning Officers. By contrast, Reed PC strenuously opposes the present PIP application because, amongst other reasons for refusal, it is outside the settlement boundary that was agreed in Reed for the emergent Local Plan. We believe the site's location outside the settlement boundary should be of decisive weight in the "tilted balance" consideration (NPPF 195 and 196) the applicant calls for in paragraph 4.14 of their supporting statement. Alongside other factors set out in this submission, the settlement boundary issue tilts the balance emphatically *against* consent for this PIP application, with harm clearly outweighing alleged benefit on both sustainability and heritage grounds.

**2.2** Referring to Policy SP2 of the Emergent Local Plan (para 4.11 Supporting St.), the applicant quotes selectively that Reed is designated as a category A village "*within which development will be allowed*". He omits mention that policy SP2 actually specifies that "*General development will ... be allowed within the defined settlement boundaries of the Category A villages*". The location of houses in this PIP application being *outside* the SP2 settlement boundary for Reed is a compelling reason to refuse consent. The houses are proposed in an area which is categorised in the Emergent Local Plan as "*rural area beyond the green belt*". (para 13.279 page 198 North Herts Proposed Local Plan). This categorisation in the emergent local plan is designed to meet the NPPF Section 15 requirement for conservation of the natural environment. It affords the protection which was hitherto provided by Policy 6 of the North Hertfordshire District Local Plan No. 2. Policy 6 retains a residual relevance in this case. Such relevance was attested by the Planning Inspector in the most recent appeal decision for an adjacent site: "*insofar as this policy*" (policy 6) "*acts to limit the location of housing development it can be considered to be a policy for the supply of housing in the terms of the Framework.*" (para 7 APP/X1925/W/16/3147753).

The applicant fails to establish in the present application any exceptional need or circumstance, beyond the district housing number. Therefore, development on a site in "a rural area beyond the green belt" manifestly does not satisfy any of the criteria of policy 6, putting the proposal in conflict with this policy. As the Inspector in the 2016 Appeal decision goes on to conclude, such a conflict also puts the application he is dealing with in conflict with the National Framework, when the requisite balancing of benefits and adverse effects is undertaken. (para 7 - 8 APP/X1925/W/16/3147753) Exactly the same applies in the present PIP case. Without application of the protections in the National and Local policies referred to above, the logic is that any landowner with a site in the vicinity of a village settlement boundary can justify housing development in "a rural area beyond the green belt" because there is a shortfall of housing in the wider District, irrespective of the needs and circumstances of the proximate rural community. This is cannot be the purpose or intent of Planning Policy and NPPF 193 confirms protection against such impacts. Therefore, refusal is necessary to avoid disregard of protections in place in existing planning law. In addition, granting the present application will legitimise PIP applications for any field in Reed on the boundary of the settlement boundary and unleash unplanned, unsustainable development.

### **2.3 The N. Framework Presumption In Favour of Sustainable Development**

The applicant cites (Supporting St. para 4.14) the "presumption in favour of sustainable development" in Section 11 of the N. Framework and claims that "*delivery of much needed housing within the District ... outweighs any adverse impacts*". Also, that "*Reed is one of the few settlements outside the green belt which (sic) development can be delivered*". This is fallacious argument. Reed already has sites which are making a more than proportionate contribution to the need for new housing in the District. Putting the "presumption" - as is required - in the context of the Framework as a whole, Reed clearly qualifies for the exceptions to the "presumption" set out in Section 11. This is another compelling reason the PIP application for this site should

be refused. Reed, as Category A village, is supporting two development sites which are large for a village of its size, one already developed and the other available. Reed is currently experiencing significant housing growth, with 14 new houses completed since 2018 (12 by the present applicant) and one more granted planning permission - an 11.5% rise in the village housing stock since 2016. This means the application is not “sustainable development” in NPPF terms. To emphasise a material point: it is evident Reed is making a more than proportionate contribution to District Housing need. It retains an available category 2 site (RD/r01) endorsed by Reed Parish Council and within the settlement boundary, which has potential for up to 22 houses, including some units of affordable housing (a need identified in the 2011 Reed Parish Plan). Therefore, the current PIP application cannot be justified as providing housing needed in this rural area. Far less does it confer benefit to outweigh “adverse effects” detailed in this submission. This means both exemptions (11d i and 11d ii) to the Framework “presumption in favour of ... development” properly apply in this case.

#### 2.4 Precedent and Consistency

The existence of alternative and better situated sites in Reed must be a material consideration in determining this application. So, too, should the fact that giving consent to this PIP will inexorably lead to housing development in several neighbouring fields on the north edge of Reed between Mill Corner Farm and Crow Lane, with landowners likely to exploit access to Jackson’s Lane included in this application. This would be detrimental to the character and beauty of the countryside and result in a severe heritage loss, by transforming the wider landscape and swamping the evolved settlement pattern in Reed, contrary to provisions of the N.P.P.F and the Emergent Local Plan. It would also compound the safety problems associated with access identified at 3.3 below.

#### 2.5 The Adjacent Reed House Site

Neighbouring areas referred to in 2.4 include a site immediately adjacent on the east, behind Reed House. This is a site which has seen four applications for housing, four refusals by the LPA and four appeals, all of which were dismissed - the most recent in August 2016 (APP/X1925/W/16/3147753). This is relevant and material in making a determination on this PIP application. Of relevance are the intrinsic reasons given by Planners and Inspectors for repeated refusal of applications on a site in the same area of Reed. Also relevant is the need for consistency in the Planning process, as acknowledged by the Inspector when he discussed consistency in the most recent appeal dismissal in August 2016 (paras 14&15 APP/X1925/W/16/3147753). In para. 15 the Inspector adduces a comparability test to differentiate the appeal site behind Reed House from the site at Brickyard Lane Farm where development permission had been granted (incidentally, to the same applicant as for this PIP and with the support of Reed Parish Council). This led the Inspector in 2016 to uphold the District Council’s decision to refuse planning permission for the Reed House site. Amongst differentiating factors was that the Brickyard Lane Farm site was previously built on and contained derelict buildings whose removal would enhance the conservation area. By contrast, the present Rand Bros. application site is a virgin meadow with mature trees and shrubbery in a visually sensitive part of the conservation area, providing a valued “open aspect” opposite the school. Development on the site merits refusal for most of the reasons that applied to the adjacent Reed House site. The 2016 inspector notes “*consistency is important in decision making*” (para 15). We agree. Consistency and the integrity of the planning process is served by refusal of the present application, in line with refusals to adjacent site applications in 2004, 2011, 2014 and 2015.

#### 2.6 Prematurity

It is argued throughout this response that consent to this PIP is unjustified on locational, sustainability and heritage grounds. These are more than sufficient to justify refusal of the application. In addition, though, the application should fail on grounds of prematurity. It is not disputed by the applicant that the North Herts Emergent Local plan is “*at an advanced stage but is not yet formally part of the development plan for the area* (NPPF 49b). Completion of the Examination stage is currently stalled by the Coronavirus emergency - ground alone for refusal of this application at the present time. Indisputably, the Emergent Plan should have weight in

making a decision in this case. Granting consent to the PIP application would make nonsense of the Plan's Settlement Boundary for Reed and would negate the consultation which led to its formulation. It would undercut the careful work and public consultation that went into identification of the two large sites in Reed judged appropriate for development and which appear in the Emergent Plan and supported by Reed Parish Council. In other words, consenting at this stage to development on a completely different site outside the proposed settlement boundary, would undermine the whole plan-making process. In this respect refusal of this application on prematurity grounds is compliant with the exceptional use of prematurity as a condition for refusal allowed by the NPPF:

*“Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”* (49 a NPPF 2019)

For Policy SP2 the establishing of settlement boundaries and making site-allocation decisions for Category A villages through public consultation was an integral part of the plan making process. This PIP application seeks to bypass consulted-on aspects of the Emergent Local Plan and is therefore 'premature'. It should be refused as prejudicing *“the outcome of the plan making process”*. It is relevant, also, that Reed Parish Council has always acted with the LPA since 2009 in a timely and collaborative way to support formulation and implementation of the Local Plan. To grant this PIP in this location would be to pre-empt the Local Plan and negate the protections it is designed to afford to Reed as a Category A village, protections in line with provisions of the NPPF.

### **3. Objections Linked to Sustainability and Safety Issues**

#### **3.1 Sustainability and Transport**

Reed has no shop and a limited bus service. It is irrefutable that the proposed PIP development would lead to an increase in private car use in Reed. This in turn requires (NPPF) a balancing of benefit and adverse effects to ensure any development is sustainable. Such balancing can properly be informed by the Planning Authority's rulings and the Inspectorate's Appeal decisions in respect of multiple applications for housing on a site immediately adjacent to the application site. Reed PC allows that there might be modest economic and social gain in adding up to seven more households to the village. However, any benefit is outweighed by adverse effects of development in the proposed location. The Inspector's judgement in 2016 in respect of the adjacent Reed House site assigned *“moderate weight”* to the possible economic benefit of the 13 houses proposed there. However, his conclusion bears quotation in full:

*Set against this, I have found that the proposal would give rise to a significant reliance on private transport which would conflict with one of the core planning principles of paragraph 17 of the Framework. I attach significant weight to this. (and)... overall, the proposal would fail to fulfil the environmental role. In social terms, I find no meaningful evidence that the proposal would enhance or maintain the vitality of the rural community and therefore I am not satisfied that the proposal would fulfil the social role. (para 29 APP/X1925/W/16/3147753 August 2016).* The Inspector's final determination is: *Bringing my conclusions together on the main issues, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. (para 30 APP/X1925/W/16/3147753)*

**3.2** What is said here applies in full measure to the present PIP application. The NPPF social and economic dimensions in Reed are affected by 14 new houses since 2016, including 'The Kilns' site. Set against any benefit is the evident extra strain on infrastructure and utilities - freshwater supply, rainwater and foul water drainage and broadband. Also, significant increase in the use of private cars in Reed from recent development. The nine Kilns houses occupied to date supply a total of 20 private cars. The seven houses proposed for the PIP site can be expected to be akin to the high end, executive style, detached houses which make up most of Rand Bros. Kilns development and must be expected to be associated with comparable private car ownership (ie on average more than two per household). This means that the proposed development would be unsustainable and

(contrary to the claim in the applicant’s statement at 2.15) in conflict with the NPPF environmental dimension.

### 3.3 Sustainability & Safe Access

The NPPF requires that all aspects of sustainability be considered in assessing a planning application. A further important deficiency in the present PIP application involves access and safety. The site is off Jackson’s Lane opposite Reed First School. The applicant proposes an access onto Jackson’s Lane where the site is fronted by mature trees (“*It is not envisaged any trees would need to be removed*” 3.4). Jacksons Lane is a narrow road. In term-time cars, belonging to staff and parents, park along the south side of the Lane. Throughout the day parked cars extend across the frontage of the proposed site. At start and end of the school day cars are parked the full length of Jackson’s Lane. Visibility at the proposed access point would be limited and further affected by parked vehicles. Were parking restrictions introduced on Jackson’s Lane to mitigate danger this would have an unacceptable, adverse impact on the future viability of Reed School. Like all village schools, whilst serving village children, it depends on recruiting pupils from outside Reed. An objection on safety grounds was lodged by the Chair of Governors of Reed School at the public meeting on 13th August. The access issue clearly puts the application at odds with requirements of the NPPF: specifically, that “*safe and suitable access to the site can be achieved for all users;*” (NPPF para 108 b). Consent should be refused on this ground.

### **4. Conclusion: 20/01605/PIP**

**Reed Parish Council objects to this application and urges that consent be refused. It is imperative that it is refused at stage 1. Granting this application would have far reaching, adverse effect on the evolution, development and sustainability of Reed as a community. It would impose harm on the Reed conservation area and is in conflict with Reed’s designation as a category A village in the District Plan’s settlement hierarchy. It would significantly diminish heritage value and be at odds with protection of the wider landscape and the beauty of the countryside, not least by being a green light for further opportunistic applications for inappropriate development in other fields in Reed, in disregard of heritage-value and the environment. The applicant’s Supporting Statement at 3.4 seeks to reserve consideration of heritage matters to the stage 2 technical matters part of their chosen planning route. This is a perverse interpretation of the relationship between stage 1 and 2 of the PIP process. Development in this location is *intrinsically* harmful for reasons which include damage to heritage, safety concerns and pressure on already strained village infrastructure. These and the other reasons detailed above should lead the L.P.A. to refuse this stage 1 PIP application.**

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## Appendix 1

### **Extract from Reed P.C. Response in 2013 to LDF Consultation**

“The Parish Council acknowledges and welcomes the compact (and restrictive) dimensions of the boundary proposed and considers it will contribute to maintaining the character and quality of the village. However, given the Parish Plan’s endorsement of gradual and limited development, we propose incorporation of **site RD/r01** (off Blacksmith’s Lane) and **site 073** (Brickyard Lane farmyard) into the settlement boundary. These sites can be viewed as potential locations for the type and scale of development acceptable to parishioners.”