

Formation of Car Park with 28 spaces on Land adjacent to Breachwood Green Industrial Park, Pasture Lane, Breachwood Green, Hitchin, SG4 8NY

North Herts ref: 25/00975/FP Agent's Ref: 38300/1

Statement of Case

0. Preliminary Point The Inspector will note that the description of the development above varies from that given by the LPA namely the word 'creation' has been deleted and replaced with the word 'formation'. I submit this is a more accurate description of the development having regard to the definitions in Sections 55 and 339 of the 1990 Act.
1. The decision notice dated 18 June 2025 is at Annex 1.
2. The application is at Annex 2 and the delegated report at Annex 3.
3. The Site
 - 3.1 Paragraph 4.1.1 of the delegated report describes the site. This is common ground as far as it goes but further and better information was supplied with the application. Namely that there was an access point to / from the highway, being a farm gate. And that the site is screened from Pasture Lane as evidenced from the photographs submitted as part of the application.
4. The Surroundings
 - 4.1 Breachwood Green is a settlement of some 700 people and 1 mile south-west of Kings Walden. The latter gives the parish its name. The village has one pub, The Red Lion. The village school (Breachwood Green JMI) was built in 1859. To the north of the village is a partially restored windmill (without sails). The village also has a large Baptist chapel, village hall and recreation ground. The village hall is managed by a community trust and is available for hire. The recreation ground and changing rooms at the village hall are managed by the parish council and includes a floodlit multi-use games arena and tennis court. The one use missing from the village was any significant employment use.
 - 4.2 The southern extremity of the village, the Baileys Close Industrial Park and the appeal site lie under the final approach to Luton Airport. Further details are in the statement submitted with the application. This is common ground.

A landscape appraisal was made of this area in 2021 on behalf of the appellant. It reported that *The assessment and evaluation of the District's landscape including Breachwood Green Ridge was updated in 2011 on behalf of the Council. The ridge runs from Hop End north west to the edge of Luton*

at Beech. Breachwood Green is approximately in the middle of this ridge where the Luton Airport final approach crosses this landscape character area. The area is number 202 in the assessment document. Overall the area is considered to be of 'moderate low landscape value'. (Page 48). A landscape appraisal plan, a photo of Luton Airport taken from the nearest public footpath (photo 3) and the junction of that footpath with the private path leading to the car park (photo 5) are set out in Annex 4.

5. The Development Plan

- 5.1 The Local Plan 2011-2031 was adopted in November 2022. A full review of this plan has started, for the period 2025-2045, but I submit is insufficiently advanced to be given any weight. There is no neighbourhood plan for this village and the minerals and waste plan is not relevant
- 5.2 Reverting to the adopted plan, the delegated report selects the following policies to support a refusal. In the same order;
- 5.3 SP5 Countryside and Green Belt. (And Very Special Circumstances). These matters are fully explored in this statement. And put into the Planning Balance
- 5.4 In the matter of policy SP3 if the Industrial estate is not in an appropriate location then, with the same Local Plan in place, the 2022 permission should not have been granted. But it was granted. The appellant maintains the industrial estate and car park is an appropriate location in terms of SP3.
- 5.5 Local plan policy T1 permits development subject to the tests of highway safety or other unacceptable impacts. These are addressed in the report at Annex 5.

6. The National Planning Policy Framework (2024)

- 6.1 As set out in Section 5 of the statement submitted with the application, the development is an engineering operation. Consequently some of paragraph 154 of the Framework applies namely 154(h)ii and 154 (h)iii. *Viz ii engineering operations; iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location.*

The sub section 154 (h) v named by the LPA (para 4.3.4) is not relevant since a change of use is not proposed. The development is an engineering operation.

- 6.1.1 The appellant has explained in detail in supporting the application (see second paragraph of section 6) that other than active travel for those living in the village, car transport is the only option given the level of public transport. The business park has been successful and now this parking for staff from

0700 to 1700 Monday to Friday is needed. The parking provision at issue allows this success to continue.

6.2 The December 2024 Framework introduced the definition of 'Grey Belt' in paragraph 155 as follows: *The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;*

Framework Paragraphs 110/115. This notes that *'Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'*. In granting the 2022 permission the LPA would have put into the balance the frequency and route of the bus service as the business park prospered. And the advice in paragraph 115.

6.2.1 To explore this further the grey belt definition is applicable to land that does not strongly contribute to purposes (a), (b) or (d) of the Green Belt purposes as named in paragraph 143 namely *(a) to check the unrestricted sprawl of large built up areas, (b) to prevent neighbouring towns merging into one another and (d) to preserve the setting and special character of historic towns*

6.2.2 The nearest large built up area is that of Luton and Dunstable. The appeal site is 2 km from the eastern extremity of Luton and 5.5 km from Harpenden as the crow flies. The restriction of large built areas is not prejudiced by the car park on 0.1 Ha of land.

6.2.3 Based on the same facts as in the above paragraph, the appeal site does not prejudice the prevention of towns merging.

6.2.4 Whilst there are designated and non designated heritage assets in Breachwood Green this settlement is a village rather than a town and towns of special character are preserved by the intervening distance

7. Other Material Considerations

7.1 Kings Walden Parish Council considered the application on 1 May and resolved as follows' *Members AGREED to object to the proposal on the grounds of the loss of agricultural land, road safety for vehicles and walkers, and the lack of respect to neighbours due to the project already been constructed.* These grounds are narrower than those in the Clerk to the Parish

Council's response as précised in paragraph 3.1 of the delegated report. The last point is not addressed in this statement since is it is not a material planning consideration.

8. The Planning Balance

8.1 Matters have been placed into the balance by taking the reasons for refusal plus the evidence before the Inspector and then giving weight to the various points to test the reasons for refusal and reach a conclusion.

8.2 Green Belt. The latest Framework (2024) supersedes some of the Local Plan. My 6.2 to 6.2.3 addresses this and concludes that the appeal site is Grey Belt Further, engineering operations to provide local transport infrastructure may be located in the green belt subject to preserving openness and not conflicting with the purpose of placing the appeal site in the Green Belt. This is addressed in the following paragraph.

8.3 Character and Appearance of the area. The character of the village is described in 4.1 and 6.2.4. And the appearance of the area also in 4.1. and part of a landscape appraisal made in 2021 contained in Annex 4. The formation of the car park is at ground level except for the three lighting columns. For those using Pasture Lane these are viewed through the hedgerow bordering the carriageway. As may be seen from the landscape appraisal plan in Annex 4 the appeal site may not be viewed from any other view point on a public road or path. Given the suggested condition when the lights are turned on their impact on openness may be further reduced. The Inspector is invited to proceed from the junction of Dane Street with Pasture Lane to Breachwood Green to confirm the screening of the car park.

8.4 Highways All highway matters are considered in the report attached at Annex 5.

9. Conclusion

9.1 The Breachwood Green Industrial Estate has repurposed a derelict site originally built in conjunction with the military airfield also repurposed as Luton Airport. The estate has been successful and seeks to remain successful.

9.2 The appeal proposal is located in Grey Belt and./or is permitted in the Green Belt by virtue of S 154. Its visual and spatial impact is limited as shown by the submitted evidence. In the absence of the car park this impact would arise elsewhere in the location where it might not be possible to limit it. Or the success of the location would be curtailed.

9.3 The highway report reveals that there has been one minor accident in 25 years. And that the vertical and horizontal alignment enforces a speed limit estimated at 20 mph despite the national speed limit applying.

9.4 In the circumstances of this appeal namely i) the proper application of the Local Plan, ii) the NPPF where it is more up to date ,iii) the minimal impact of the car park ,and iv) highway history shows that the very special circumstances (VSC) if they apply and/or other circumstances if VSC does not apply, are such that the appeal may be allowed subject to conditions.

10. Planning Conditions

If the Inspector is minded to allow the appeal the following are suggested

10.1 The car park shall be used only by employees and visitors to Breachwood Green Industrial Park, Monday to Friday 0630 to 1730. Outside of these hours the gate at the access shall be locked shut.

10.2 The car park lighting shall not be turned during except in the hours of darkness which occur between 0630 and 1730 hours, Monday to Friday. The lights shall not emit more than 15 lux of light when measured at the surface of the parking area.

10.3 For the development to be retained, a Biodiversity Gain Plan must be submitted within 6 months of this decision and approved thereafter by the local planning authority. The Biodiversity Gain Plan is to outline how the appellant will achieve the required 10% increase in biodiversity.'

Roger Pidgeon,
Chartered Town Planner
Date 29/06/2025

Enclosures

Annex 1: Decision Notice

Annex 2: Application

Annex 3: The delegated report

Annex 4: Landscape Appraisal Plan

Annex 5: Highways report by RKS Associates