

PLANNING APPEAL - STATEMENT OF CASE

Land to the East of old Old Hale Way, Hitchin, Hertfordshire

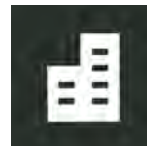
Job Ref: 20/032

Date: January 2025



Prepared by Tom Donovan BA (Hons), MA, MRTPI on behalf of

PETER GEORGE TOWN PLANNING



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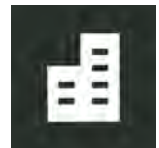


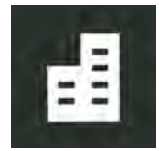
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APPENDICES

Appendix 1: Decision Notice Application Ref. 24/01920/FP

Appendix 2: Highways Authority Comments 1st October 2024



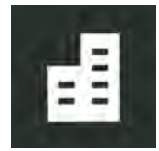
Section 1: Introduction & Background

Introduction

1.1 Peter George Town Planning has been instructed by Mr Parker (the Appellant) to submit an appeal on their behalf against the decision of North Hertfordshire District Council (the Council) for their refusal to grant planning permission.

1.2 Application reference 24/01920/FP was refused by the Council by notice (attached as **Appendix 1**) dated 26 November 2024 for the following reasons:

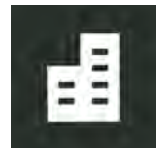
“1. The application site is within an area designated in the North Hertfordshire District Local Plan 2011 - 2031 as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the view of the Local Planning Authority, the proposal would not comply with any of the exemption criteria to inappropriate development in paragraphs 155 of the NPPF. The proposal would conflict with purposes a) and c) of the Green Belt, set out under paragraph 143 of the NPPF. The proposal would be contrary to the fundamental aim of the Green Belt which is to maintain openness, giving rise



to moderate harm to spatial openness and substantial harm to visual openness, contrary to paragraph 142 of the NPPF. The material considerations or benefits identified by the applicant are limited and do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harms, including harm to the openness of the Green Belt, highway safety and biodiversity. The proposal is therefore contrary to Policy SP5 of the Local Plan and Section 13 of the NPPF 2023.

2. The proposed development would encourage the use of the private car in a location which is relatively well served by public transport and accessible by other modes of sustainable modes of transport such as walking and cycling. As a result the proposals would not be in accordance with local and national planning policies which promote sustainable transport such as Section 9 of the National Planning Policy Framework, Hertfordshire County Council's Local Transport Plan (LTP4 2018) and Policy SP1 of the North Herts Local Plan.

3. The proposed development would fail to deliver the three strands of sustainable development required by the National Planning Policy Framework 2023. The proposal would also not support the principles of sustainable development as required by Policy SP2 of the North Herts Local Plan.



4. The proposed development is likely to lead to conditions prejudicial to highway safety and amenity arising from the proposed use of the car park for car boot sales and markets. Accordingly the proposal would be contrary to the provisions of the Local Transport Plan (LTP4) and Policy T1 of the North Herts Local Plan 2011 -2031.”

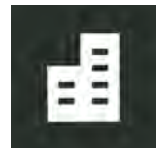
- 1.3 The appellant considers that the Council erred in refusing the planning application and the reasons for such are set out in this Statement.

Relevant Planning History

Ref.	Site Address	Proposal	Decision
23/01652/FP	Land to the East of Old Hale Way, Hitchin	Change of use of agricultural land to community car park together with road scalping tar macadam surfacing, new gates and associated tree planting and landscaping.	Withdrawn
22/02698AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of 1no. Water Tank for Agricultural Purposes.	Granted 02/11/2022
22/02697/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of timber clad outbuilding.	Granted 02/11/2022
22/02694/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Single storey side extension to existing agricultural barn	Granted 02/11/2022
22/02695/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of polytunnel	Granted 02/11/2022



22/02693/AG	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Erection of polytunnel	Granted 02/11/2022
21/03485/LDCP	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Continued use of existing agricultural land for use as private allotments	Granted 28/03/2022
21/01962/FP	Land to the East of Old Hale Way, Hitchin, Hertfordshire	Retention of new vehicular/pedestrian bridge over the River Hiz and new farm track (retrospective application)	Granted 17/03/2022
20/00617/AG	Land east of Old Hale Way, Hitchin, Hertfordshire	Agricultural building to store machinery and other such equipment required to farm the land	Granted 24/03/2020



Section 2: Analysis of the Site and Surroundings

The Appeal Site

- 2.1 The appeal site is a roughly rectangular-shaped parcel of land forming part of an agricultural holding located to the east side of Old Hale Way and located in the Green Belt between Hitchin and Ickleford.



Figure 1 – The Application Site

- 2.2 The front part of the site lies adjacent to Old Hale Way with an existing field access being located in the south-eastern corner of the field. The wider part of the holding extends as far east as the railway line and as far north as Ickleford Way which is a Byway Open To All Traffic (BOAT, 018).



- 2.3 Footpath 026 splinters from the BOAT and runs vertically through the site before crossing the railway and terminating at the industrial estate. Both of the PRow's are outside of the red line application site.
- 2.4 Residential properties fronting Old Hale Way are located to the south of the site along with Council allotments which extend to the rear of approximately 20 of the gardens belonging to the above referenced houses. The allotments are accessed by a vehicle track which is situated adjacent to the existing field access to the application site and runs parallel to its southern boundary.
- 2.5 The site is connected to the nearby settlements of Hitchin and Ickleford by a pedestrian footpath positioned to the side of Old Hale Way and Arlesey Road. Hitchin is a main settlement containing a full range of facilities and services. Ickleford is a large village containing a smaller, but still useful choice of facilities.



Section 3: The Appeal Proposal

- 3.1 The proposed development was described on the decision notice as follows:

“Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.”

- 3.2 The appeal site forms part of a large agricultural holding that extends several hundred metres to the east of the site, and which extends as far north as Icknield Way. Over the past several years, a number of new unofficial public footpaths have been created within the site to enable the public to walk/cycle through the site and is now utilising the land for a wide range of agricultural and community purposes including willow tree growing for cricket bats, allotments, and a community orchard. He has many similar future projects in mind which will hopefully come to fruition in the coming months and years.

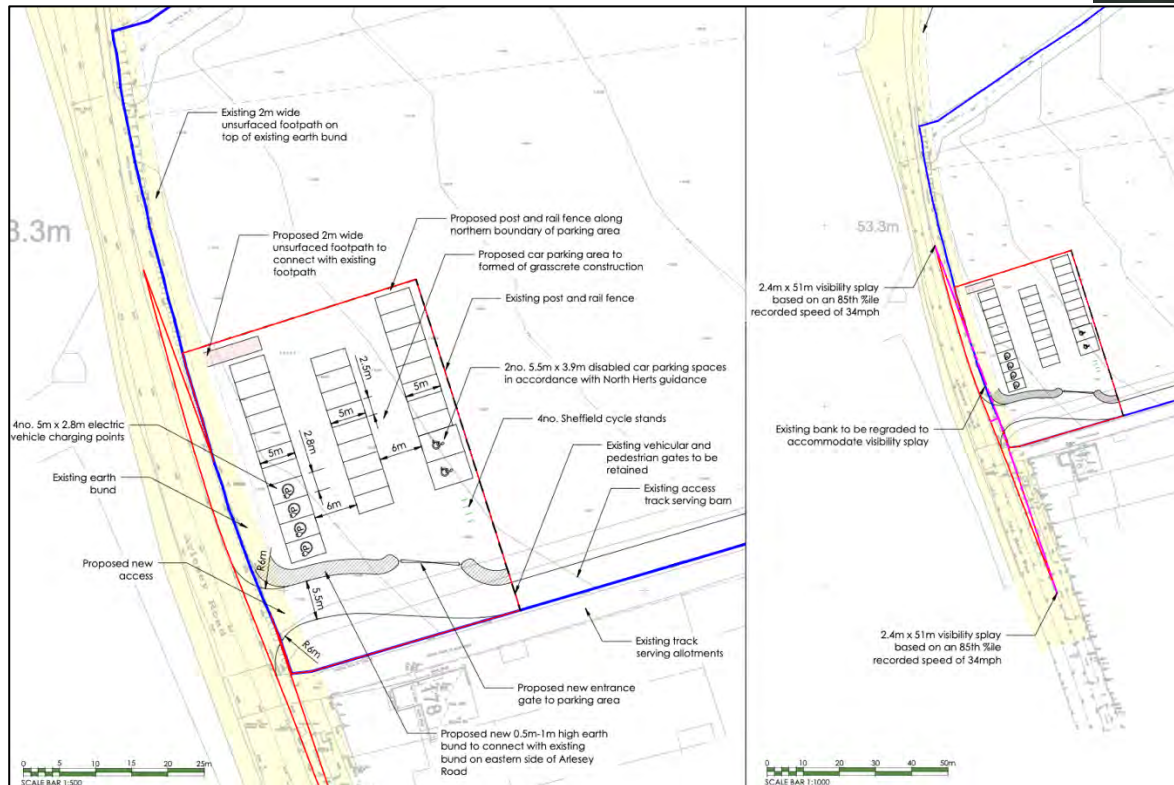
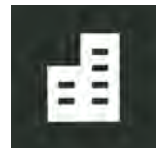


Figure 2 - Proposed Site Plan (Not to Scale)

3.3 The proposed would involve the formation of a small community car park to a) serve those wishing to use the land, b) provide a small amount of additional overflow parking to serve Ickleford (which struggles for sufficient parking provision), and c) provide an area for occasional farmers markets, car boot sales and the like.

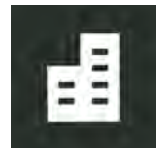
3.4 The proposed car park would provide approximately 30 parking spaces including two disabled spaces, four spaces with electric vehicle charging points. Four Sheffield cycle stands are proposed. Physical development involves the installation of grasscrete for the surface of the car park and



new gates to the access. Post-and-rail fencing is proposed to the northern boundary of the car park to connect to the existing fencing.

3.5 The existing access is proposed to be altered to improve the interaction between the site and the public highway and the adjacent access to the Council allotments. This involves the provision of visibility splays of 2.4m x 51m which are based on the results of the speed survey that has been carried out.

3.6 The car park would be connected to an existing pedestrian footway that has been created adjacent to the front boundary of the site on our client's land, and which ultimately connects with the adopted footpath that provides pedestrian access to Ickleford. A small section of footpath is proposed to facilitate this.



Section 4: Relevant Planning Policy

National Planning Policy Framework

4.1 The Government policies on different aspects of planning are set out in the **National Planning Policy Framework 2024** (the Framework).

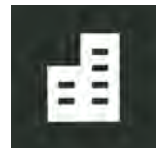
4.2 The relevant sections of the Framework are as follows:

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

Development Plan

4.3 Section 38(6) of the Planning Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purpose of any determination under the Planning Acts, the determination must be made in accordance with the plan unless material considerations dictate otherwise.”



- 4.4 The development plan context for the planning application is provided by:
- **North Hertfordshire Local Plan 2011-2031 (adopted November 2022)**

- 4.5 The following policies are considered relevant to the consideration of this application:

Strategic Policies

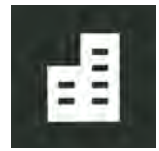
- Policy SP1: Sustainable Development in North Hertfordshire
- Policy SP2: Settlement Hierarchy and Spatial Distribution
- Policy SP5: Countryside and Green Belt
- Policy SP6: Sustainable Transport
- Policy SP9: Design and Sustainability
- Policy SP12: Green Infrastructure, Landscape and Biodiversity

Development Management Policies

- Policy T1: Assessment of Transport Matters
- Policy T2: Parking
- Policy D1: Sustainable Design
- Policy NE2: Landscape
- Policy NE4: Biodiversity and Geological Sites

Supplementary Planning Documents

- Vehicle Parking at New Development SPD (September 2011)



Section 5: Planning Analysis

Background & Key Issues

- 5.1 The planning application was refused for four reasons as per the decision notice. However, there appear to be two main reasons and two further supplementary reasons. Accordingly, the key issues for consideration in the determination of this appeal are as follows:
- Whether the proposed development would be inappropriate development in the Green Belt and, if so, whether very special circumstances exist which clearly outweigh harm by way of inappropriateness, or any other harm.
 - The highways safety implications.
 - The reliance on the private car.
 - Whether the proposed development would be sustainable development.
- 5.2 These and other relevant matters are discussed in the following paragraphs.



Matter 1: Reason for Refusal 1: Green Belt

Policy Background

- 5.3 Paragraph 154 of the National Planning Policy Framework (the Framework) states that, unless compliant with a series of stated exceptions, development in the Green Belt is inappropriate development should be regarded as being inappropriate in the Green Belt.
- 5.4 **Paragraph 154h** of the Framework states that, subject to preserving the openness of the Green Belt and not conflicting with its purposes, other forms of development would not be inappropriate including:
- **iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location; and**
 - **v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).**
- 5.5 North Herts Local Plan (LP) Policy SP5 deals with development within the countryside and Green Belt largely deferring to the provisions of the Framework.



Discussion

- 5.6 The proposed involves the provision of local transport infrastructure in the form of a community car park to serve local residents including those who frequent the land and would constitute a material change of use of land. Accordingly, the proposal has the potential to be compliant with sub-categories 'iii' and 'v' of paragraph 154h subject to the proposal preserving the openness of the Green Belt and not conflicting with its purposes. This is discussed below.

Openness

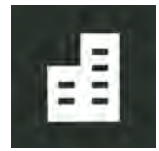
- 5.7 Regarding the potential impact of development on the Green Belt, Paragraph 001 Reference ID: 64-001-20190722 of the Planning Practice Guidance sets out that:
- “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:***
- ***openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;***



- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

5.8 The physical aspects to the proposed change of use are fairly minimal comprising the laying of grasscrete to form the surface of the proposed car park, the erection of a pair of field gates to its proposed entrance, the provision of a small bund and alterations involved in the minor repositioning of the existing access. Due to their modest nature, these works are unlikely to have any noticeable impact on the openness of the Green Belt.

5.9 In terms of the use of the land itself, a car park is obviously somewhat transitory with cars using the site only expected to be present for relatively short periods of time and not forming a permanent presence at the site. There are moreover currently limited views through the site at present due to the presence of the existing bund that extends across the full extent of the site frontage. Accordingly, cars parked on the land would have limited



visibility from Old Hale Way and thus the effect on openness would be limited.

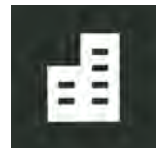
5.10 In addition, given the existing use of the land for a combination of allotments and for general agricultural purposes, there is already a requirement for cars to be accommodated in and around the site. Accordingly, cars parked adjacent to the appeal site, track and existing barn is a regular occurrence at present.

5.11 In all, it is not considered that the proposals would have a harmful impact upon the openness of the Green Belt in this location and would therefore preserve openness in line with the provisions of paragraph 154h.

Purposes

5.12 The Framework sets out that the purposes of the Green Belt are as follows:

- a) to check the unrestricted sprawl of large built-up areas;**
- b) to prevent neighbouring towns merging into one another;**
- c) to assist in safeguarding the countryside from encroachment;**
- d) to preserve the setting and special character of historic towns; and**
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**



5.13 Firstly, the appeal site makes no contribution to purposes ‘a’, ‘d’ or ‘e’.

Accordingly, there is no need to discuss these further in this statement.

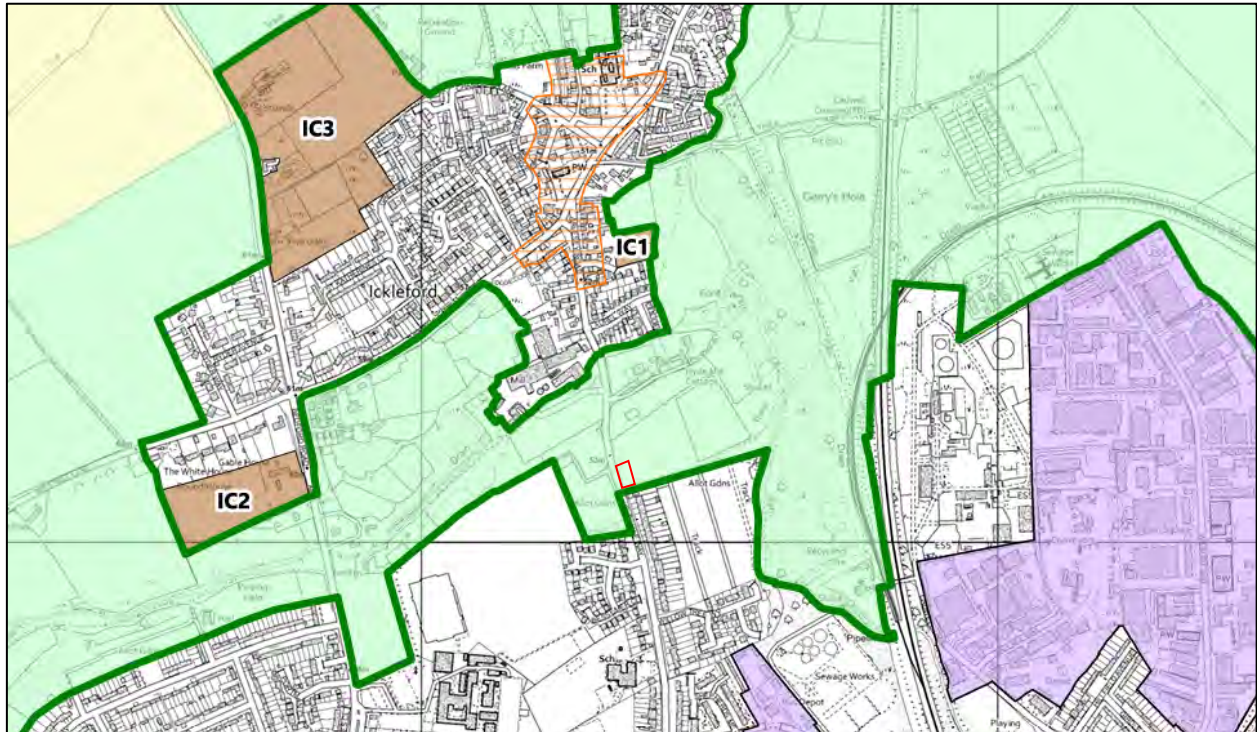
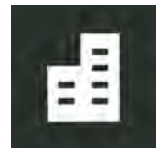


Figure 3 - Excerpt from Local Plan Policy Maps (Appeal Site Outlined in Red)

5.14 Regarding purpose ‘b’, it is noted that the site is located in a potentially sensitive location between the large town of Hitchin and the adjacent village of Ickleford. Accordingly, development within the area of Green Belt between the two settlements could cause coalescence if carried out unsympathetically.

5.15 However, the appeal site comprises only a very small section of the Green Belt buffer that exists between the two settlements, whilst the physical aspects of development would be very modest as discussed above.

Accordingly, the proposals would ensure the retention of a significant gap

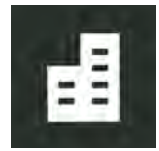


between the two settlements and would not therefore be in conflict with purpose 'b'.

- 5.16 Regarding purpose 'c', it is not considered that the proposed development would represent encroachment given that the development works involved would be minimal not resulting in any permanent impact upon the openness of the Green Belt. Accordingly, it is not considered that the proposed development would represent encroachment into the countryside.

Summary

- 5.17 The appeal proposals involve the provision of local transport infrastructure in the form of a community car park to serve local residents including those who frequent the land and would constitute a material change of use of land.
- 5.18 Accordingly, and as discussed in the foregoing, it is considered that the proposals would be compliant with paragraph 154h of the Framework insofar that it would a) preserve the openness of the Green Belt, and b) not conflict with the purposes of including land within it. To this end, it is the



appellant's view that the appeal proposals would not be inappropriate development in the Green Belt.

- 5.19 However, were the inspector to disagree and consider that the proposals would be inappropriate development in the Green Belt, it is acknowledged that planning permission should only be granted in very special circumstances (VSC). This is returned to below.

Matter 2: Reason for Refusal 4: Impact on Highways Safety

- 5.20 The Highways Authority (HA) commented on the planning application (comments attached as **Appendix 2**) not raising any objection to the proposals in terms of the technical highway's aspects nor indeed to the principle of a car park in this location. Indeed, it is noted that the HA comments confirm that ***“The HA would raise no objections for the application subject to the use being for the users of the land ie dog walkers, footpath users, etc...”***

- 5.21 The Council's refusal and the highways comments instead focus on concerns relating to the appellant holding occasional farmers markets, car boot sales and similar such ad-hoc events. It is suggested that these could



cause increase the likelihood of highways safety issues and nuisance parking.

5.22 The appellant is currently unsure how many farmer's markets or car boot sales may be held at the appeal site in any calendar year. However, it is unlikely to be any more than the number permitted under Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which permits the holding of a market up to 14 days a year and a car boot sale up to 28 days a year (a total of 28 days overall).

5.23 Accordingly, subject to this number not being exceeded, the appellant could already hold a number of events of this type at the appeal site without planning permission being required. With that said, the appellant would raise no objection to the imposition of a condition limiting the number of markets and/or car boot sales that could be held in any calendar year to a number consistent with that already permitted under Part 4, Class B of the GPDO.

5.24 This would provide certainty regarding the number of events being held and alleviate concerns regarding the impact that such events could have on



the local parking situation and on highways safety more generally.

Importantly, this would restrict markets, car boot sales etc to no more than could already take place without grant of a specific planning permission.

- 5.25 It is also alleged (in the highways comments) that the pedestrian footpath linking the site with Ickleford (along Arlesey Road) is not continuous and that pedestrians have to walk on the carriageway. However, a site visit by the inspector will demonstrate that this is not the case. There is a continuous footpath link to the centre of Ickleford which has been further supplemented by an additional footpath provided by the appellant which connects the appeal site with the public footway.

Summary

- 5.26 The main concerns of the Council and HA related to the possible holding of farmers markets and car boot sales at the site and the impact that this could have on highways safety and on parking capacity in the local area. However, as discussed above, a number of such events could be held per annum at the site as a permitted temporary change of use of land.
- 5.27 Accordingly, subject to a condition limiting the number of such markets/car boot sales to a number consistent with that permitted under Part 4, Class B



of the GPDO, certainty would be given to the total number of permitted events helping to ensure that highways impacts would be limited and ensure that the number of such events would not be greater than the number already permitted to occur without planning permission.

- 5.28 There do not appear to be any other highways safety concerns in connection with the proposed change of use.

Matter 3: Reason for Refusal 2: Reliance on the Private Car

- 5.29 The second reason for refusal sets out that the proposed development would encourage the use of the private car in a location which is relatively well served by public transport and accessible by other modes of sustainable transport. Accordingly, it is concluded that the proposed would not be sustainable development.
- 5.30 The primary purpose of the car park is to provide an area for people using the land (i.e. allotment holders and dog walkers) to park their cars, to provide some overspill parking for those attending events in the village, and to occasionally host farmers markets and car boot sales.



- 5.31 The purpose of the car park is therefore intended to encourage a greater number of people to use the land which, as set out above, involves outside leisure pursuits such as tending to allotments, walking, and other activities relating to the agricultural use of the land. Accordingly, the proposed car park would only likely encourage and enable a much wider range of people to make use of the site rather than those located within walking distance of the site.

Matter 4: Reason for Refusal 3: Whether Sustainable Development

- 5.32 The proposed development would provide a useful local parking facility, would encourage a wider range of people to visit and use the land for leisure purposes, and would offer an additional location for small-scale local events (including ad-hoc markets and car boot sales) to take place. In this respect, it is considered that the proposed development would have a range of social, environmental and economic benefits and would thus be sustainable development.

Very Special Circumstances

- 5.33 As set out within earlier parts of this statement, it is considered that the proposed development would not be inappropriate development in the Green Belt. However, were the Inspector to conclude differently, it is



acknowledged that Very Special Circumstances (VSC) would be required to justify allowing the appeal.

5.34 As set out in paragraph 153 of the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. VSC will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

5.35 The appellant, since taking on the land, has implemented several initiatives to encourage the use of the land by the public. This has included the provision of new footpaths through the site for the use of the public (linking to existing PRow's and public footpaths), the use of part of the land as allotments, and the siting of dog bins and similar along some of the established rights of ways and other footways.

5.36 The intention of the proposed car park is to encourage the further use of the site by providing a place for members of the public to park be they simply looking to go walking or use the allotments. Moreover, a new footway has been created alongside the existing narrow footpath that lies adjacent to Old Hale Way/Arlesey Road which would be connected to the car park. Accordingly, the car park could provide additional 'overflow'



parking for the village (the centre of the village is a 7–8-minute walk) with this new footpath connection enabling easy access by foot.

5.37 In addition, it is proposed that the car park would be utilised for car boot sales, farmers markets and similar such events a small number of times per year (no more than the number that would be permitted under Part 4, Class B of the GPDO). This would be a further public benefit of these proposals.

5.38 Taken together, it is considered that these factors comprise the VSC necessary to justify granting planning permission.

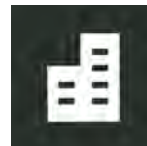
Other Matters

5.39 It is not considered that there are any other matters relevant to the determination of this appeal.



Section 6: Summary & Conclusions

- 6.1 The main issues in the determination of this appeal are whether the proposed development would be inappropriate in the Green Belt and, if so, whether very special circumstances exist that clearly outweigh any harm that is identified, and the highways safety implications of the proposed development.
- 6.2 For the reasons set out in the foregoing, it is not considered that the proposals would be inappropriate development in the Green Belt, whilst the proposals would not give rise to any tangible impacts on highways safety. Indeed, the specific highways issues raised relate to the holding of farmers markets and car boot sales which could already be held 14 and 28 days without planning permission (a total of 28 days overall).
- 6.3 Moreover, the proposed is intended to be provided largely for the use of the local community with the aim being to further encourage and widen the use of the land. To that end, and whilst this should represent a benefit of these proposals in any event, were the inspector to find that the proposed would be inappropriate development, the public benefits are considered to



represent the very special circumstances necessary to justify granting planning permission.

- 6.4 In light of the contents of this statement, it is respectfully requested that the appeal be allowed, and planning permission granted.

APPENDIX



APPENDIX 1: Decision Notice Application Ref. 24/01920/FP



www.north-herts.gov.uk

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Peter George Town Planning
Nine Hills Road
Cambridge
CB2 1GE

Applicant:

Mr Bruce Parker

PARTICULARS OF DEVELOPMENT

Application: 24/01920/FP

Proposal: Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.

Location: Land To The East Of, Old Hale Way, Hitchin, Hertfordshire,

Refused Plan Nos: ST-2824-100 ST-2824-700-C ST-2824-800

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 27 September 2024.

1. The application site is within an area designated in the North Hertfordshire District Local Plan 2011 - 2031 as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the view of the Local Planning Authority, the proposal would not comply with any of the exemption criteria to inappropriate development in paragraphs 155 of the NPPF. The proposal would conflict with purposes a) and c) of the Green Belt, set out under paragraph 143 of the NPPF. The proposal would be contrary to the fundamental aim of the Green Belt which is to maintain openness, giving rise to moderate harm to spatial openness and substantial harm to visual openness, contrary to paragraph 142 of the NPPF.

The material considerations or benefits identified by the applicant are limited and do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harms, including harm to the openness of the Green Belt, highway safety and biodiversity. The proposal is therefore contrary to Policy SP5 of the Local Plan and Section 13 of the NPPF 2023.

2. The proposed development would encourage the use of the private car in a location which is relatively well served by public transport and accessible by other modes of sustainable modes of transport such as walking and cycling. As a result the proposals would not be in accordance with local and national planning policies which promote sustainable transport such as Section 9 of the National Planning Policy Framework, Hertfordshire County Council's Local Transport Plan (LTP4 2018) and Policy SP1 of the North Herts Local Plan.
3. The proposed development would fail to deliver the three strands of sustainable development required by the National Planning Policy Framework 2023. The proposal would also not support the principles of sustainable development as required by Policy SP2 of the North Herts Local Plan.
4. The proposed development is likely to lead to conditions prejudicial to highway safety and amenity arising from the proposed use of the car park for car boot sales and markets. Accordingly the proposal would be contrary to the provisions of the Local Transport Plan (LTP4) and Policy T1 of the North Herts Local Plan 2011 - 2031.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
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Date: 26 November 2024

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development the time limit is 28 days from the date of the LPA decision or 28 days from the date the enforcement notice was served.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you

must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



APPENDIX 2: Highways Authority Comments 1st October 2024



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
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Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

North Hertfordshire Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

District ref: 24/01920/FP
HCC ref: NH/22506/2024
HCC received: 1 October 2024
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

Land To The East Of, Old Hale Way, Hitchin, Hertfordshire, SG4 0SA

Application type

Full Application

Proposal

Full Planning Permission : Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Until the above information and clarification is provided, the HA is not in a position to determine the suitability or otherwise of the development.

Brief description in support of proposed development made by the applicant:

The site is located at the southern end of Ickleford on the green space that separates Ickleford from the town of Hitchin. The site is currently an undeveloped field and access is currently via a vehicle crossover adjacent to the access that serves the allotments to the southeast of the application site.

A planning application (ref: 23/01652/FP) for the "change of use of agricultural land to community car park together with road scalping tar macadam surfacing, new gates and associated tree planting and landscaping" was submitted to North Hertfordshire District Council (NHDC) in July 2023 but was withdrawn in September 2023.

Prior to withdrawal of the application, Hertfordshire County Council (HCC), as local highway authority provided a highways consultation response recommending that planning permission be refused stating that “the application has failed to provide detailed information for the HA to make an informed decision.”

It is now proposed to reduce the proposed quantum of car parking at the site to include for up to 30 spaces with improved access arrangements. This Transport Statement (TS) is submitted in support of an amended planning application with additional information, as appropriate.

Old Hale Way / Arlesey Road is subject to a 30mph speed limit and is lit along its entire length.

A review of HCC’s online Public Rights of Way (PROW) map identifies that there are no PROWs through the site.

Footpath HITCHIN 026 extends in a north-south direction to the east of the application site connecting Icknield Way in Ickleford with Cauldwell Lane in Hitchin. Footpath ICKLEFORD 017 is located north of the application site and also connects with Icknield Way. There are no other PROWs in close proximity to the site.

Personal Injury Collision (PIC) data has been obtained from the Crashmap website for the highway network in the vicinity of the application site for the most recent five-year period available (2018 – 2022). There have been no collisions recorded in the vicinity of where the existing vehicle crossover that serves the application site meets Old Hale Way.

Traffic surveys were undertaken along Old Hale Way / Arlesey Road over the seven-day period from Thursday 16 May 2024 until Wednesday 22 May 2024. These surveys were undertaken in the form of Automatic Traffic Counts (ATC) and primarily conducted to determine visibility splay requirements at the proposed access to serve the application site.

The traffic flows identified the local weekday AM peak hour as 07:00 – 08:00 and the PM peak hour as 16:00 – 17:00. The Saturday peak hour was identified as occurring between 11:00 and 12:00.

Old Hale Way / Arlesey Road forms the eastern north-south link between Ickleford in the north and Hitchin to the south.

Manual for Streets (MfS) states that walkable neighbourhoods are typically characterised as having a range of facilities within ten minutes walking distance (around 800m). It is stated, however, that this is not an upper limit, and that walking offers the greatest potential to replace short car trips, particularly those under 2km.

North and southbound bus stops are located approximately 190m and 360m walking distance south of the application site along Old Hale Way, respectively. Both of these bus stops are provided with a layby, flagpole and bus timetables.

Outline planning permission (ref: 17/01955/1) for the redevelopment of Ickleford Mill, Arlesey Road, Ickleford for the erection of “up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access)” was granted in March 2024.

A zebra crossing on Arlesey Road, as required by Condition 14, to be located approx. 10m south of its junction with Ickleford Bury.

It is proposed to develop the site for up to 30 car parking spaces including provision for disabled car parking and cycle parking.

Access to the application site is proposed via a new access that will also serve the barn at the eastern end of the site.

As such, the intention of the car park is to provide additional car parking for the allotment users and for dog walkers who wish to access the local surrounds including footpath HITCHIN 026, which extends in a north-south direction to the east of the application site adjacent to River Purwell.

In addition to the above, the parking area will be used to accommodate farmer's markets / car boot sales for a limited number of dates each year. As the application site is within comfortable walking distance of local facilities, it is also intended that it will operate as overflow parking for Ickleford.

It is proposed that the car park will accommodate 30 car parking spaces as follows:

- 2no. disabled car parking spaces (5.5m x 2.9m)
- 4no. car parking spaces with electric vehicle charging points (5m x 2.8m)
- 24no. standard car parking spaces (5m x 2.5m)

It is also proposed to provide 4no. Sheffield standards at the car park that can accommodate up to eight bicycles.

In order to accommodate an access to serve the car parking area, it is proposed to provide a new junction to the north of the existing vehicle crossover serving the allotment access track. This new junction will provide access to the proposed car parking area and the existing barn to the east of the application site replacing the existing vehicle crossover that serves the access track to the barn.

The new access will comprise a 5.5m wide bellmouth junction with 6m junction radii.

Based upon these recorded 85th percentile vehicle speeds, and in accordance with HCC's highway design guidance, visibility splays of 2.4m x 51m are required at the proposed site access in both directions.

The location of the proposed site access such that these visibility splays are achievable to the north and south within the extent of the adopted highway. Some minor trimming of the existing bank / earth bund to the north of the proposed site access will be required to accommodate the visibility splay in full.

The proposed access is able to accommodate this vehicle for all manoeuvres. Whilst it is not anticipated that the car parking area will need to accommodate a 10m rigid truck, the access will need to accommodate this vehicle such that it is still able to access the barn at the eastern extremity of the site.

The development proposals include for the provision of a short length of footpath at the northwestern end of the car parking area to connect with the existing unsurfaced footpath. This will provide connectivity between the car parking area and Ickleford to the north.

A Stage 1 Road Safety Audit of the proposed access arrangements was undertaken by Tutum Consulting supported by a site visit on 22 July 2024. The audit did not identify any 'problems'.

When considering the use of the car park, it is unlikely that it will operate during the weekday peak hours when the local highway network is considered to be at its busiest.

It is also unlikely that the car park will ever be fully occupied unless used as overflow parking for a local event.

The adhoc use of the car park to accommodate visitors to the allotments or dog walkers would not result in a significant number of vehicle movements.

As stated previously, there is also potential for the car park to be used to accommodate farmer's markets / car boot sales for a limited number of dates each year. This means that only vehicles associated with the sales would be permitted on site at the start of these infrequent events.

As such, a maximum of 30 vehicles would be attracted to the site for one of these events prior to its starting with the 30 vehicles departing again at the end.

Visitors to the farmer's market / car boot sales would be encouraged to walk, cycle or travel by bus. As part of a planning permission for the proposed car park, it is considered that a Traffic Management Plan be Conditioned to address any potential discriminate parking that may be associated with these events.

In conclusion, it is considered that the proposed development is acceptable in transport and traffic terms and meets the policy requirements as set out in paragraph 114 of the NPPF.

Highways comments:

The applicant has submitted a Transport Statement (TS) along with a RSA1 in response to the HA's comments dated 14 August 2023 for the withdrawn application ref.no. 23/01652/FP.

The application involves altering the vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping (resubmission of application ref. 23/01652/FP withdrawn 11/09/2023).

The proposed car parking provision is the responsibility of the LPA to determine the level and suitability of the car parking proposals, however, it is essential that it is operated in efficient and safe manner to minimise the impact on the local highway network which is the responsibility of the HCC HA.

The applicant has stated that the proposal involves the formation of a small community car park to a) serve those wishing to use the land, b) provide a small amount of additional overflow parking to serve Ickleford, which struggles for sufficient parking provision, and c) provide an area for occasional farmers markets, car boot sales and the like.

It is unclear why the covering letter and TS make no mention that the application involves change of use, nevertheless the application involves the change of use from agricultural land to a gated small community car park consisting of 30 car parking spaces, reduced from 75 spaces under the previous submission.

The HA has reviewed the TS and would acknowledge based on 30 car parking spaces and the use being for users of the land, the proposal is not expected to have any significant/detrimental impact on the operation of the local highway network and the new vehicle access achieves the required visibility splays (supported by the RSA1) and provisions.

However, as stated in the previous HA's comments car parking is ancillary to a class of use (e.g. for staff or customers at office, industrial or shop premises) so the car park use falls within the main use class, in this case sui generis (unless advised otherwise by the case officer) and so the parking should be related to the type of use.

The applicant has stated that the car park will be for those wishing to use the land ie visitors to the allotments, dog walkers and footpath users, additional overflow parking to serve Ickleford and an occasional farmers market, car boot sales and the like.

The HA would have no objection for the change of use to a car park for those wishing to use the land ie visitors to the allotments, dog walkers and footpath users.

The applicant has not substantiated that Ickleford struggles for sufficient parking and demonstrate how and why this distant car park would be suitable as an additional overflow parking. Furthermore, footway along Arlesey Road is not continuous between the site and Ickleford town centre, where it meets the river Purwell the footways end either side of the bridge whereby pedestrians have to walk along the carriageway where the carriageway also narrows. The applicant has not addressed this concern given the TS states to encourage greater walking to and from the site.

The HA has serious concerns regarding the occasional farmers markets/boot sales and the like, as stated in the TS which has not provided any clarity on these use's, depending on size and popularity such markets have potential to attract relatively significant numbers of visitors/car trips to the site ie more than 30 spaces which would result in overspill car parking taking place along uncontrolled Arlesey Road.

In the TS it states the following:

Visitors to the farmer's market / car boot sales would be encouraged to walk, cycle or travel by bus. As part of a planning permission for the proposed car park, it is considered that a Traffic Management Plan be Conditioned to address any potential discriminate parking that may be associated with these events.

The above has not been substantiated in any detail to demonstrate that the level of parking demand will not exceed the provision on site. No detailed information has been provided on the sizes, how often (could potentially be on a regular weekly basis) and the potential impact from such use would have on the car park and the highway network which increases the likelihood of highway safety issues and nuisance parking.

Overspill car parking creates stress and nuisance to local users parking demand, and likely to lead to inconsiderate and illegal parking on the roads within the vicinity of the sites access which could be prejudicial to highway safety.

Any substandard parking provision leading to potential overspill and displacement of parking onto the public highway, would not be supported by the HA, particularly given the nearby roads have no parking controls.

The HA would raise no objections for the application subject to the use being for the users of the land ie dog walkers, footpath users, etc. if greater consideration was given to improving and facilitating pedestrian safe access over River Purwell then subject to the details needed, the use as an overspill for town centre car parking may also be acceptable.

However, for the above reasons the HA would not support the “occasional farmers market, car boot sales and the like” use on the site.

Recommendation:

Until the above information and clarification is provided, the HA is not in a position to determine the suitability or otherwise of the development.

Signed

Senober Khan

22 October 2024