

Planning Application 24/02343/FP

The Planning Application appears to be an inaccurate presentation of the facts.

Existing Use (ie the present unauthorised occupational use by the applicant)

It is clear that assembly and manufacturing are taking place in addition to the stated storage and distribution of steel products. Equipment for these processes is on site.

Manufacturing processes (which are not disclosed as they are not referred to) are also inherently liable to site contamination

Materials - The exterior of the buildings have been racked, and the field is being used for extensive storage of steel products and ancillary materials.

Pedestrian and Vehicle access, roads and rights of way

Point 1 answer No; the answer should be **YES**

A revised access has been created from Three Houses Lane to the agricultural barns. Instead of a narrow farm track this is now considerably wider and has been extended in wide splays to Three Houses Lane and surfaced with concrete. The result of this is that

1 It overlays our private water main from the B656 to Crouch Green (a 100 plus years old easement)

2 Surface water runs down the new concrete roadway and spills on to Three Houses Lane causing flooding. Previously there was no surface water flooding in this location.

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

There is a footpath private right of way from The Node (the adjacent estate) over these lands to Three Houses Lane. This is a long standing Covenant on the deeds of the applicants' property.

When the woods and field were sold off in the 1960's by the Node Estate the covenant was placed on the sold lands (now the applicant's property) to protect this ancient footpath. It has not been extinguished and has been used in recent years.

The answer to this question should be YES.

Vehicle parking

There are frequently many more vehicles on site than disclosed. Additionally, there are large 38 tonne articulated HGVs from all over Europe on a regular basis.

Trees and Hedges

Given that the new planning application is for the entire landholding i.e. including Crouch Green Wood and Church Wood, and that ALREADY these have been impacted by felling, and are now subject of a BLANKET TPO, **the answer should be YES.**

Assessment of Flood risk

There are two types of flooding, inundation from a water course and surface flooding. This site has been and always will be subject to surface water flooding as it is on clay, with typically shallow topsoil. The site borders Three Houses Lane which has NO drainage. The applicant has introduced industrial type concrete drainage pipes into the land, to and from a much enlarged pond. Additional drainage channels have been inserted from the pond to the ditches adjacent to the lane which fill up quickly and spill over onto the lane. Thus, Three Houses Lane (a public highway) is now being deliberately used as the drain itself. This "System" is exacerbating the flood risk "elsewhere" i.e. Three Houses Lane.

The answer to this question should be **YES.**

Biodiversity and Geological Conservation

The woods (included in the application) are part of an important local eco-system harbouring all kinds of wildlife, and therefore although I do not now the answer to a), **b) should be YES**

Biodiversity net gain

I believe that the application is NOT exempt from a Bio Diversity net gain requirement.

Foul Drainage

There is no mains sewer in Three Houses Lane or adjacent on the site. We all have private treatment plants.

No details of foul sewage treatment have been included.

Industrial or Commercial processes and machinery

The true answer to this is clearly YES

Trade Effluent

Clearly there is trade waste. The answer should be YES

Hazardous substances

Whilst I have not personally been on the site since the sale, it would surprise me if at the very least there was not welding equipment and therefore the gas bottles required.

Site Visit

The site is on the road and therefore visible from it.

Objections to the application

I wish to object in the strongest possible terms to this application.

This application replaces 24/01002/FP which was withdrawn by the applicant after Hertfordshire Highways recommended refusal. That application received no support and was objected to in the strongest terms by nearly 30 objectors all of whom were directly impacted in one way or another by this grossly inappropriate development.

This fresh application is for the entire property in the ownership of the applicant i.e. Church Wood, Crouch Green Wood, the adjacent agricultural field, and the agricultural barns and access from Three Houses Lane, totalling in excess of 13 acres. Thus, it is a "Major Development". The original application was for the barns, hardstanding and access track. I am shocked that NHDC have not taken enforcement action in the near 12 months since this unauthorised occupation of the land was reported by myself (and others) to NHDC Planning and has been ongoing exponentially since.

The site is wholly within the Green Belt and has always had agricultural status. There are no very special circumstances that have been demonstrated. The activity and development on site breaks every condition that NHDC previously laid down for the construction of the agricultural barns by the previous owner (the site was before that unencumbered by any buildings whatsoever) and a subsequent partial variation, which was highly conditioned. Industrial fencing has been introduced that has destroyed the openness that is a feature of Green Belt protection. High intensity industrial lighting has been introduced into what has historically been a "dark Site" with no lighting. Many tons of clay dug up from the various works have not been taken off site but distributed over the woodland area over the tree trunks destroying the protected species bluebell woods and will inevitably ultimately destroy the trees themselves, now protected by a TPO. This needs to be remedied urgently. These unauthorised works are also destroying the natural habitat of the wildlife that has always been a feature of the site, part of a wider local ecosystem, much of which also has protected status. The applicant has no regard for the planning process and has disregarded the important habitat, ecology and status of the historic woods and landscape, nurtured over hundreds of years as part of the local ecosystem which is almost unrivalled in this area due to the long term estate management of local landowning families.

Having initially told local residents that his occupation was to be for equine use, the applicant now appears to have made a speculative purchase of the site in the hope that he can bulldoze his way through the regular planning process by transferring/expanding his industrial steel business into this highly unsuitable location regardless of the harm he creates on the site itself, or to the lawful quiet enjoyment of his neighbours, or the lawful users of Three Houses Lane. The lane has been left in a dangerous and damaged condition by his industrial HGV traffic which will only get worse the longer this continues. The soft verges are irreparably damaged by HGVs trying to squeeze down the narrow lane, Drainage ditches no longer operate properly, and the road is permanently flooded and covered with mud, causing untold difficulties for local users. There are regular standoffs between local residents in their vehicles going carefully about their lawful business and HGVs from Europe driven by lorry drivers who have no idea that they are entering a single track local lane in a completely unsuitable vehicle. As a result there have been

and continue to be accidents where local users' vehicles have been forced off the road into ditches damaging bodywork, wheels and undercarriages. Evidence has been sent to Highways and Planning and there are a number of horrifying dashcam and other videos of such activity. HGVs have had to dangerously back up hundreds of meters to the busy B656. All this has already been reported to NHDC.

If the applicant wishes to expand his clearly successful business, there are plenty of industrial sites locally in Stevenage, Hitchin and Letchworth for instance with existing appropriate use classification, developed hardstanding and buildings, proper HGV access, public transport and staff facilities available. Yet these have all been ignored completely.

To further obfuscate matters, the applicant has made spurious complaints about other local residents' lawful occupation of their landholdings, which has taken scarce Council resources' time to investigate, which needless to say have been "filed - no action".

The applicant's supporting evidence and reports

One has to ask the question as to whether some of the applicant's experts have visited Three Houses Lane.

Flood Risk

The applicant's expert has clearly not visited the site and is totally relying on statements made by the applicant and desk top surveys utilising the usual flood risk surveys. The applicant's unauthorised (and highly unsuitable) works on site have increased localised surface water flooding. In an attempt to put in "sustainable" drainage he has made it worse for himself and Three Houses Lane, and local residents using the Lane, to the extent that this section of Three Houses Lane has been turned into the site's drainage system and is almost impassable on bad days.

Preliminary Ecological Appraisal

The applicant's expert did attend but the report is limited by the fact that it refers only to the original application i.e. the access track and barns/hardstanding area only. The report is described as "Preliminary" and does not address the current application at all which is for retrospective PP of the whole site including Crouch Green Wood, Church Wood and the adjacent agricultural field. It completely ignores the protected habitats and in a very "urban" view thinks that by putting up a few nesting boxes on the barns you can repair the damage caused by the applicant's unauthorised felling of numerous trees, destruction of undercroft of acres of ancient woodland, the natural habitat for the birds and other wildlife that have made the woods their home for hundreds of years.

Design and Access Statement

With no prior knowledge of the site one can only presume that the compilers of this report have used their imagination or artificial intelligence to create a narrative that supports the application uncritically rather than report on the facts.

The site was originally Node Estate coppiced woodland and an agricultural field. In the post WW2 era the woods (and field) were subsequently owned and used by the local vet as a Pet Cemetery. This required minimal access – indeed there was only a footpath (as stated on the applicant's deeds) until recently and no vehicles at all accessed it beyond the occasional grieving pet owner in a private motor car turning in just a few metres from Three Houses Lane. The field itself was inaccessible from Three Houses Lane and was accessed from the rear via the adjacent fields in Three Houses Lane by agreement with the adjacent farm.

In the 2010's a track was installed where the footpath was, and the field brought back into use for seasonal crop production, and barns to serve it erected. A small tractor was kept on site. No heavy vehicles accessed the site and at harvest time much of the crop (Maize) was used on site for the local pheasant shoot. Since the death of the previous owner, prior to the sale, a local agricultural contractor kept two or three tractors on site. There is no history of large commercial vehicle movements whatsoever, indeed there was insufficient access for this. It was solely in these contexts that NHDC were previously satisfied with the occasional site access by agricultural vehicles for the prior owner's application. Three Houses Lane is otherwise used by local residents' cars, a mid-sized bin lorry (once a week) that does not turn into any site, the post van and small delivery vans, and seasonal tractors on the local

estates. All act with care. It is extremely rare for an articulated or large lorry to attempt to come down Three Houses Lane. They are usually lost and soon realise the error of their ways. To categorise the proposed (and current unapproved activity) as less than previous traffic is an egregious misstatement that has to be challenged. It is dangerous and currently causing chaos to other users of the Lane. The report's own photographs show the damage that has been caused to the previously intact verges close to the access to the site. These images were taken in dry summer conditions. They are now a mud bath that spills onto the lane making it deep in mud and on occasion virtually impassable. This cannot be allowed to continue.

"Expert Reports" that there is no record of "major collisions" and thus the lane is safe for HGV traffic are highly misleading. These reports deal with major accidents on main highways, motorways and the like. Low speed accidents on local lanes are rarely reported despite much damage to vehicles being caused. Such is the situation here. We have collated a number of accidents some of which have already been reported to Highways. All of these involve vehicles accessing the applicant's site. Needless to say the Expert's report is "not aware of these".

This has always been a dark site. Industrial lighting is apparently to be supported by a new substation on site to supply 3 phase electricity for the manufacturing processes on site that are planned (laser cutting of steel). With no consideration for other local residents, high intensity spotlights come on in the evening and early morning shining into adjacent properties. This is completely unacceptable.

The "temporary" building has been used to house site workers including overnight accommodation.

In summary, there is nothing that this application that "is in keeping with other ...occupiers and users in the locality". It is wholly alien and unsuitable in this rural, tranquil and ecologically significant location and not supported by an access road that is suitable in any way whatsoever.

It should be rejected and enforcement action taken.