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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: 25/03096/FP
HCC ref: NH/28639/2026
HCC received: 25 March 2026
Area manager: Manjinder Sehmi
Case officer: Paul Marshall

Location

9 Westell Close, Baldock, Hertfordshire, SG7 6RY

Application type

Full Application

Proposal

Full Planning Permission : Erection of fencing to enclose garages and parking area to form extended private garden area for no.9 Westell Close

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:

Hertfordshire County Council
Highway Authority Consultation Response
Application Type: Full Planning Permission
Proposal: Erection of fencing to enclose parking area to form extended private garden area
Site Address: 9 Westell Close, Baldock, Hertfordshire

Summary

Hertfordshire County Council (HCC), as the Local Highway Authority, has considered the above planning application. At the time of writing, insufficient information has been provided to enable the Highway Authority to reach a fully informed recommendation. In the absence of this information, the Highway Authority is unable to support the proposal due to uncertainty regarding the implications for highway safety and the lawful status of the land.

Site and Highway Context

Westell Close is an unclassified local access road which is highway maintainable at public expense. A 20mph speed limit applies. Within Hertfordshire County Council's Place and Movement framework, Westell Close is classified as P2/M1 (Residential Street). The road is not considered traffic sensitive.

There are no recorded personal injury collisions within the immediate vicinity of the site within the most recent five year rolling period. No Public Rights of Way directly affect the site.

Policy Considerations

The application has been assessed with reference to the following documents:

- Manual for Streets (2007)
- National Planning Policy Framework (July 2021)
- Hertfordshire County Council Local Transport Plan 4 (2018–2031)
- HCC Place and Movement Planning Design Guidance (adopted March 2024)

Assessment

The proposal seeks to enclose an existing hardstanding area that has historically been used for vehicle parking. The area is subject to public highway rights, notwithstanding that the underlying land may be in private ownership. While the Highway Authority acknowledges that the existing parking arrangement is sub standard in terms of size and layout, and that vehicles currently overhang the footway to the detriment of pedestrian safety and convenience, the application does not provide sufficient evidence or confirmation regarding the lawful stopping up or extinguishment of highway rights across the affected land.

In the absence of an approved Stopping Up Order, the proposed enclosure would result in the loss of land over which public highway rights subsist, which would be unacceptable in highway terms.

Furthermore, should the stopping up of highway rights be secured, the existing vehicular crossing would no longer serve a highway function and would therefore need to be reinstated to a full height kerb, at the applicant's expense, to the satisfaction of the Highway Authority.

Reason for Refusal

Stopping Up of Highway

The proposal would enclose land over which public highway rights currently exist. No evidence has been submitted to demonstrate that these highway rights have been, or will be, lawfully extinguished. In accordance with Section 247 of the Town and Country Planning Act 1990, highway rights must be stopped up by Order of the Secretary of State prior to commencement of development. In the absence of this information, the proposal gives rise to uncertainty regarding highway safety, pedestrian convenience, and the lawful operation of the highway network.

Informative

Should planning permission be granted at a later date, the applicant is advised that:

- Any stopping up or extinguishment of highway rights will require a separate legal process under Section 247 of the Town and Country Planning Act 1990; and

- The existing dropped kerb will be required to be reinstated to a full height kerb, at the applicant's expense, under a separate highway agreement.

Further guidance is available via the Planning Portal and GOV.UK.

For clarity, the Highway Authority does not object to the principle of the proposal. However, full support is dependent upon the lawful stopping up of existing highway rights being secured

Conclusion

In the absence of sufficient information to demonstrate that highway rights can be lawfully extinguished, the Highway Authority is unable to support the application at this time.