

Henry Thomas
North Hertfordshire District Council
Council Offices,
Gernon Rd,
Letchworth Garden City,
SG6 3JF



10th March 2026

Dear Henry

By Email and mail – planning.control@north-herts.gov.uk

Re: Object to Planning application – 25/03179/FP

Introduction

We are writing to you on behalf of the parish councils of Radwell and; Caldecote and Newnham. The local residents have concerns over the unlawful and sprawling development that has been undertaken at The Barn Great North Road, Radwell, Baldock, Hertfordshire, SG7 5EN. There was a granted planning permission in April 2022 which we believe was never lawfully implemented and now a retrospective application has been submitted to try and regularise an overdeveloped, unlawful permission for which redress and removal is sought.

Previous Application – 21/03160/FP

We draw your attention to the previously granted consent (1 April 2022) for:

“Use of site for open storage (use class – B8 (storage and distribution)) including installation of hardstanding, associated landscaping and infrastructure”

which although granted was we believe never lawfully implemented not limited to, but in part to a material breach of the following particular conditions:

1 – The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

We do not believe the permission was ever lawfully implemented as pre-commencement conditions 7, 8, 9 and 10 were never submitted to (as if they had been they would have been uploaded to the portal and linked) to the LPA in writing and discharged per the condition.

2 – The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

The specification and current state of development was not carried out per the granted plans and likely remains noncompliant today.



3 – The trees and shrubs listed on the planting schedule are to be planted in the first planting season following the commencement of works on site.

The level of trees and shrubs are still not planted some 4 years after the granting of the permission.

4 – All external lights. Are to be switched off before sunset during the bat active bat season, in accordance with the times stated in table 5.1 of the submitted Bat Survey Report.

Evidence has been provided to planning enforcement of the flood lights in the centre of the site as well as the row of street style lights along the Great North Road.

5 – A minimum of three bat boxes are to be erected on the site before the first use of the site by the applicant.

No evidence has been uploaded to the portal and we would also request confirmation from the council's ecological advisor on the discharge of this point.

7 – No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of development shall only be carried out in accordance with the approved plan.

No Construction Traffic Management Plan appears to have ever been completed nor uploaded to the planning portal for consideration or discharge.

8 – Prior to occupation, the development shall incorporate Electric Vehicle (EV) ready charging infrastructure as agreed with the Planning Department, based upon parking and vehicle access considerations.

We are unable to comment as we have not accessed site but would ask the Local Planning Authority to confirm whether this has been satisfactorily discharged.

9 – Before the first use of the site by the applicant hereby permitted, provision shall be made for an appropriate number of cycle parking spaces to accommodate staff and visitor requirements.

We are unable to comment as we have not accessed site but would ask the Local Planning Authority to confirm whether this has been satisfactorily discharged.



10 – Prior to the first use of the site by the applicant hereby permitted, a detailed travel plan shall be in place with reference to the Travel Plan Guidance’ at www.hertsdirect.org. The Travel Plan is to be submitted to and agreed in writing by the LPA prior to its implementation and the agreed scheme is to be implemented.

No detailed travel plan appears to have ever been completed nor uploaded to the planning portal for consideration or discharge.

Furthermore, under notes, Section 1 the LPA state that “Failure to satisfy conditions may invalidate this permission and/or result in enforcement action.” With this informative the Council have both the power and duty to enforce such a material breach.

Current Application – 25/03179/FP

With regards to the currently lodged application for:

“Erection of detached industrial storage building following demolition of two existing industrial storage buildings and installation of external lighting and increase in material storage height to 6.0m.”

The submission of the new consent appears to be utilising a previously lapsed consent (21/03160/FP) as its base and is attempting to use a materially flawed argument that previous consent is A) Still live and; B) that it was delivered correctly.

The supporting evidence was assembled after the works had commenced and as such the soundness of their reliance should be considered for example the Abacus report into the lighting, when was this undertaken? At varying times different lighting combinations have been on show and would produce vastly different results. Ecology will not have had the benefit of the previous consents planting that never took place which have an impact on the flora and fauna evidenced in the report. With these reports taking place after works to an unlawful development have been implemented, their necessity and findings should be considered to be materially flawed by virtue of when they were taken place and the condition of the site at this time.



Scale and massing

With the previous paragraphs points considered the current application directly contradicts the original position. It now proposes:

- Demolition of the two existing industrial storage buildings
- Erection of a new detached industrial storage building
- Installation of external lighting
- Increase in material storage height to 6.0 metres

The delivered unlawful development has far exceeded any proportionate development. The original permission sought to *“to re-use the two existing buildings on the site, which are of sound construction and do not require any degree of works...”* This statement was a key part of the justification for the previous consent as the development would remain subservient to its surroundings and was a balanced and sound part of the justification for granting of permission 21/03160/FP.

Under the permission 21/03160/FP, wall and storage heights were limited to approximately 2.5 metres. The new proposal seeks to increase this to 6 metres, more than doubling the approved height and significantly intensifying the scale and visual impact of the site. The current height of the site visible from the road appears from base height to be in excess of 20 metres.

Road Safety

We would draw your attention to a point not yet fully considered, being the dangerous stretch of road that the site (Great North Road.) There are numerous accidents in this area and the dazzle of the new site lights further reduce visibility for road users travelling towards the Great North Road from Newnham along the Newnham Road.

Site Ownership

A Land Registry Title Plan review should also be considered from the potentially affected stakeholders (North Herts District Council and Highways England) as concerns have been raised over whether or not current development sits entirely on the ownership of the applicant.



Baldock Services planning precedent

Directly opposite the site are the Baldock services, when planning was granted they had to have their building structures kept low to avoid impacting the green, open rural landscape and all lighting was decreased in height and intensity to avoid light pollution. As this is an established planning position for commercial within the immediate locale it would be prudent to deem this as the accepted level of height and lumens / power for the lighting and that all the application sites lighting be reduced to 3m, similar to the services. We would seek that the baseline position of the lighting height to be taken from the ground level and not any banks of higher ground. A further lighting application was submitted in 2013 (13/00134/1AD) that detailed the level of lighting to be considered.

Case Law

We would direct your attention to a number of cases for your consideration, including but not limited to the following.

In the Secretary of State for Communities and Local Government and another v Welwyn Hatfield Borough Council (2011) the Supreme Court ruled that if a breach is deliberately concealed, the 4-year time limit for immunity does not apply. The current actions show a flagrant disregard for planning law with the previous consent not being adhered to and the now developed site seeking to apply for retrospective consent for a site that has been grossly overdeveloped.

Whilst consideration could also be drawn from F G Whitley & Sons v Secretary of State for Wales (1992) whereby that if a development commences while in breach of a "true" pre-commencement condition (condition precedent), that commencement is unlawful and cannot implement the planning permission. This prevents the, potentially, 3-year consent from being activated. Therefore the "Whitley" principle would further provide evidence of the original consent not being implemented correctly.



Summary

As evidenced above we believe that planning permission 21/03160/FP was never lawfully implemented and therefore should be treated as both breached and lapsed for the reasons provided. The now submitted planning application 25/03179/FP is a classic example of seeking forgiveness rather than permission. The local resident's frustration should be duly noted as in principle there is no issue with a business operating from the site but the ways and means utilised to commence the development and only when challenged submit a retrospective application is where the grievance is.

The basis of this whole application is flawed with the applicant making a mockery of the planning process with a knowledge that if the delivered scheme had been submitted for development in its current state it would never have been granted on numerous grounds. The original permission set the precedent for development scale and massing that should not be exceeding and such should be scaled back to this original position.



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Cc:

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