

Appeal Statement

Planning Appeal by Hayden Dicker BSc MSc MRTPI

Change of use of stables to car sales and servicing, alterations
to access, and modifications to barn

Friends Green Porsche, Paddock View Barn, Friends Green,
Damask Green Road, Weston, SG4 7BU

DLA Ref: 25/418

LPA Ref: 25/00926/FP

July 2025

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1.0 INTRODUCTION

1.1.0 Background

1.1.1 On the 22nd April 2025 a detailed planning application was submitted to North Herts Council for the change of use of stables to car sales and servicing, alterations to access, and modifications to barn at Friends Green Porsche, Damask Green Road, Weston, LPA Ref: 25/00926/FP.

1.1.2 The application was refused planning permission by the North Herts Council for the following reasons, given in a decision notice dated 4th July 2025:

'A secondary vehicle access exacerbate existing highway conditions, which are prejudicial to the highway safety of all road users. Specifically, the unauthorised making and use of a substandard build and designed southern vehicle access on the public highway, with unenforceable proposed use of a one-way system is unsafe and unacceptable. The proposed measures relating to the southern access do not alleviate the historic concerns of the Highway Authority. Consequently, the development causes highway safety problems and unacceptable impacts upon the local highway network. Therefore, the development is contrary to Policy T1 of the North Hertfordshire Local Plan, Section 9 of the NPPF, and Hertfordshire County Council's Local Transport Plan (LTP4) for 2018-2031 policies 5(b) and (c) and in the NPPF para's 109, 115, 116 and 117.'

1.2.0 Summary

1.2.1 Contrary to the above I will demonstrate in my Statement as follows:

- A secondary vehicle access, along with the proposed mitigation measures, would be beneficial compared to the existing situation in terms of Highway Safety.

2.0 SITE AND CONTEXT APPRAISAL

2.1.0 Location

2.1.1 The site, shown in Figure 1 below, is located to the south of the village of Weston, on the east side of Damask Green Road.



Figure 1 - Site location

2.2.0 Appeal Site

2.2.1 The application site consists of two single storey buildings, one u-shaped ('The Stable Block') and one rectangular style building ('The Barn'). These two buildings were approved under references 15/02582/1 and 17/04137/S73, and have a point of access onto Damask Green Road as well as areas for parking. The site has temporary consent under reference 23/01259/FP for the change of use of existing stables to car sales and servicing. This application seeks a permanent consent, given there is now under 12-months for the temporary consent to run, allowing this application sufficient time to go through the Planning process.

2.2.0 Friends Green Porsche

2.2.1 The wider Friends Green Farm site to the north has had various elements of motor trade related business operating there since circa 2002. Friends Green Porsche had operated from 2015, however in 2020, using the buildings approved under 15/02582/1 and 17/04137/S73, the business was collated onto the application site. Friends Green Porsche is a high-end car servicing and sales company, that specialises only in Porsches, specially the niche market of the 996 and 997 generation of Porsche 911 cars. The site currently operates as 50/50 split of car sales and servicing. For the sales, it would be by appointment only, and for the servicing it would often be more of projects and refreshes, meaning that cars are left at the site for an average of 2 weeks at a time.

3.0 RELEVANT PLANNING HISTORY

3.1.0 Appeal Site

3.1.1 The relevant history of the appeal site is summarised in Figure 3.1.0 below.

LPA Ref	Proposal	Outcome
85/00223/1	Outline application (all matters reserved) for erection of one detached agricultural dwelling with garage	Refused
03/00327/1	Erection of 12 stables in accordance with applicant's letter of 17/03/2003 and amended plans received on 20/03/2003 –	Approved
15/02582/1	Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables	Approved
17/02431/1DOC	Discharge of Condition 3 (Sample Materials) as attached to Planning Application 15/02582/1 granted on 28/04/2016.	Approved
17/02479/1DOC	Discharge of Condition 4 (Landscaping Details) as attached to Planning Application 15/02582/1 granted on 28/04/2016	Approved
17/04137/S73	Section 73 application: Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables (Removal Condition 6 of Planning application 15/02582/1 granted 28/04/2016) –	Refused & Appeal allowed
18/02911/S73	Increase in height of garage/workshop/feed store building to provide tack room at first floor level (as variation of Condition 2 of application number 17/04137/S73 granted on appeal reference APP/X/1925/W/18/3198084 dated 28/09/2018) –	Refused & appeal dismissed
20/01832/FP	Change of building usage from livery yard to car showroom and single storey 3 bedroom dwelling.	Refused
23/01259/FP	Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing (as amended by details submitted 16th January 2024).	Approved
24/01476/FP	Alterations to existing fenestration on elevations 1, 5 and 6 as marked on submitted drawing FGP1-4	Withdrawn
24/01434/S73	Removal of condition 2 of planning permission 23/01259/FP granted 25.03.2024 for Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing (as amended by details submitted 18th September 2024 and 26th November 2024).	Refused

3.1.2 23/01259/FP

At the application site last year and application was approved for a temporary 2-year consent for the change of use of the site for Sui Generis (car sales and servicing). In approving this application, the Officers Report made the following points:

- *“it is considered that the two buildings approved under applications referenced 15/02582/1 and subsequently 17/04137/S73 have been erected on site and are currently immune from enforcement action due to the passage of time.”*
- *“In terms of spatial openness, the buildings have been erected on site and are immune from enforcement action currently through the passage of time. The proposed use of the buildings for car sales/servicing does not have any material impact on spatial openness”*
- *“it is considered that the use of the site for the sale and servicing of a niche market of cars, could be less intensive in terms of trip generation and have less associated paraphernalia than the lawful equestrian/livery use, which would in turn have a lesser impact on visual openness.”*
- *“it would be reasonable to conclude that the use of the site for car sales/servicing specialising in a niche market of Porsches would generate less trips, movement, and activity within more reasonable hours of operation, compared to the lawful fallback position of the equestrian/livery use. In this respect, the use of the site for the niche sale/serving of Porsches would have a reduced impact on visual openness which can be considered a benefit to the Green Belt generally.”*
- *“the proposed use of the site would not result in any harm to the setting or significance of the three Grade II listed buildings.”*
- *“it is considered that the relevant material considerations put forward to support this development constitute Very Special Circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The application is therefore recommended for approval.”*

3.2.0 Case Law – The Fall Back Position

3.2.1 Further to the above, as demonstrated in the Appendices of the Planning Statement that accompanied the application, it is well established in case law that the ‘fall back’ position is capable of being a material planning consideration as detailed below:

- **Silver v Secretary of State for Communities and Local Government [2014]** Justice Supperstone stated that the decision maker must have regard to any fall back position (paragraph 29), making reference to *Coln Park LLP v Secretary of State for Communities and Local Government [2011]*, wherein Collins J set out the test to be applied when considering a fall-back argument:

“It is ... whether there is a reasonable possibility that if planning permission were to be refused, use of land, or a development which has been permitted, would take place, and

such use or development would be less desirable than that for which planning permission is sought.”

- **Zurich Assurance Limited V North Lincolnshire District Council [2012]** In the case of Zurich Assurance Limited V North Lincolnshire District Council [2012] Justice Hickinbottom concluded thus:

“The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a theoretical prospect. Where the possibility of the fallback position happening is ‘very slight indeed’, or merely ‘an outside chance’, that is sufficient to make the position a material consideration.”

4.0 POLICY CONTEXT

4.1.0 National Policy / Guidance

4.1.1 The National Planning Policy Framework (NPPF) 2024, sets out the Government's planning policies for England. It is considered that sections 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 11 (Making effective use of land), 12 (Achieving well-designed places), 13 (Protecting Green Belt land), and 16 (Conserving and enhancing the historic environment) are considered directly relevant.

4.2.0 North Hertfordshire Local Plan 2011-2031

4.2.1 The North Hertfordshire Local Plan 2011-2031 was adopted on Tuesday 8 November 2022 and replaces the saved policies of the District Plan Second Review with Alterations.

Policy No.	Title
SP3	Employment
SP5	Countryside and Green Belt
SP9	Design and Sustainability
SP13	Historic Environment
ETC2	Employment development outside Employment Areas and Employment Allocations BA10 and RY9
T1	Assessment of transport matters
T2	Parking
D1	Sustainable design

4.2.2 Within the newly adopted Local Plan, the site at land North-east of Great Ashby (reference GA2) was allocated for 600 homes as well 500m² of neighbourhood level facilities. The boundary of this site allocated is circa 250m away from the application site. This therefore means that once this scheme is developed, it would result in the site only being 250m from the edge of the large settlement.

5.0 DESCRIPTION OF DEVELOPMENT

5.1.0 Use

- 5.1.1 The proposals would seek to change the use of the site from its lawful equestrian use as approved under 17/04137/S73 to Sui Generis Use for car sales and B2 Use for car servicing. This use was granted a temporary 2-year consent under reference 23/01259/FP, however as this is now got less than 12 months to go, the applicant is seeking its permanent change.

5.2.0 Layout

- 5.2.1 The site layout, shown in Figure 2 below, is the same as approved under reference 23/01259/FP. There would be access to and from Damask Green Road to the east, with an internal driveway and parking area to the north, as well as retaining the two buildings.



Figure 2 - Site layout

5.3.0 Appearance & Scale

- 5.3.1 The buildings on site would retain the design and appearance as approved under 23/01259/FP, however there would be minor changes to Building 1 which would include the erection of internal walls, as well as new windows and bi-fold doors, to allow this building to be enclosed rather than open facing the internal courtyard. The proposed elevations of this building is shown in Figure 3 below.

5.4.0 Landscaping

- 5.4.1 The proposals would not result in the loss of any significant landscaping features on the site. Further planting has been done along the boundaries of the site, particularly along

Damask Green Road, in order to screen the site. Any further landscaping could be secured through an appropriately worded condition.

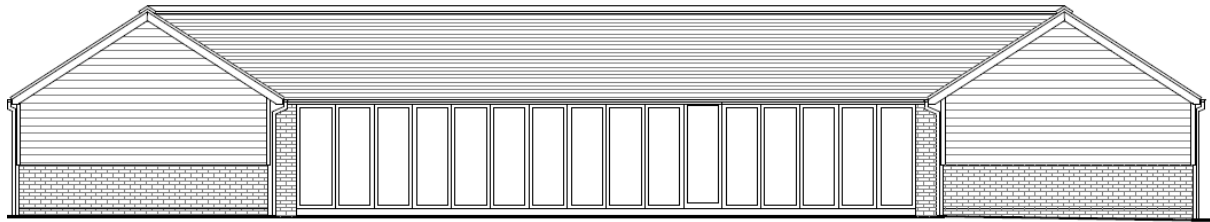


Figure 3 – Front and side elevation of Building 1



5.5.0 Access & Parking

- 5.5.1 The application would not result in any changes to the parking from the previous scheme under 23/01259/FP, however does seek alterations to the access. The changes to the access include a new one-way access road wherein all vehicular traffic will enter the site via a newly constructed southern access, while vehicles will egress solely using the approved existing access in the north.

6.0 **PLANNING CONSIDERATIONS**

Given the nature of the proposal and the LPA's reasons for refusal, I consider the appeal raises the following issues:

- 1) Would the retention of the southern access and one-way system result in an unacceptable impact on highway safety?
- 2) Other Matters

6.1.0 Issue No 1: Would the retention of the southern access and one-way system result in an unacceptable impact on highway safety?

- 6.1.1 The application was submitted with an accompanying Transport Statement prepared by EAS, with the conclusions of the report concluding that *“There is therefore no highways or transportation reason why the proposed development should not be granted planning consent.”*
- 6.1.2 The Local Highway Authority raised concerns with the new access, stating *“This is to limit any adverse impact of additional conflict points, only one vehicle access is permitted per property and requests for additional vehicle accesses will be rejected. This is on the basis that a vehicle access already exists and the common law right of access has been met”*. During the application EAS countered this point to state this stance does not adequately account for the operational and safety differences between a conventional two-way access arrangement and the proposed one-way routing system that is proposed at the site. The applicant is not seeking to create a new access to enable intensification or generate additional trips. The use of a one-way system with controlled directional flow fundamentally alters the context of the southern access, mitigating previous concerns related to turning, conflict, and visibility for emerging vehicles. Despite these points, the Highway Authority appeared to still object simply on the principle of any additional points of access, despite the noted gain to highway safety that it would provide.
- 6.1.3 To accompanying this appeal, an Appeal Transport Statement has been prepared by EAS. This report concluded that *“The proposal ensures that the southern access is used solely for entry while the northern access remains the exclusive point of egress. This change is significant and directly addresses earlier highway safety objections. There is no increase in vehicle movements associated with the proposal, and the site's low trip generation, already accepted under the previous permission, remains unchanged....The revised access strategy not only addresses the Highway Authority's previous concerns but also enhances internal circulation, eliminates unsafe reversing manoeuvres, and provides greater operational control for staff and customers....Overall, the appeal proposals represent a safety-led, policy-compliant and proportionate improvement to the site's access strategy, with no resulting harm to the local highway network. It is therefore respectfully requested that this appeal be allowed and planning permission granted.”*
- 6.1.4 In summary, as the appeal scheme would, as demonstrated from the accompanying Transport Statement and Appeal Transport Statement would

6.2.0 Issue No 2: Other Planning Considerations

6.2.1 It must be noted that the Officers Report confirmed the following detailed points, all of which are concurred with:

- *“There have not been any complaints about these premises for noise/disturbance. At the time of previous application there had been no complaints about the use of the site to Environmental Health and indeed now, based on the response from the Council’s EHO, there have not been any complaints about these premises for noise/disturbance.”*
- *“The proposed use of the buildings for car sales/servicing does not have any material impact on spatial openness, as this is more about built form and massing. Moreover, in respect of visual openness, Officers acknowledged that the buildings on site whilst visible from Damask Green Road have been built to a high quality and appear rural in character and appearance, which is a positive from a visual openness perspective in the Green Belt.”*
- *“In terms of the Green Belt purposes, it was considered that there would be no conflict with Green Belt purposes with a, b, c and d.”*
- *“...such that the material considerations as set out in this report would constitute Very Special Circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm”*
- *“The only matter for consideration in this respect is the type and intensification of use from the proposed car sales/servicing use compared to the lawful fall-back position, which is the equestrian/livery use.”*
- *“For high-end car garages such as that proposed herein, it is not uncommon for such uses to operate in rural areas. The Council acknowledge that this similar site has been operating for some time and further acknowledge some similarities between the likely day to day operations and intensification of use compared to the proposed use of the application site, which weighs in favour of this proposal in my view.”*
- *“The Council would look to control several matters. In my opinion, it would be reasonable for the Council to control the hours of operation... restrict the use of the site to car sales and servicing (Use Class B2) and for no other purpose, and to limit the outside storage or materials and display of vehicles for sale.”*
- *“The fallback use as a 12-stable equestrian facility is a lawful and credible alternative and would generate a significantly higher level of activity and associated paraphernalia on site.”*

6.2.2 Summary

These detailed points have been broken down into the core issues - aside from highways and access - and are assessed to be acceptable:

Green Belt: The site does not conflict with the purposes of the Green Belt and therefore constitutes to Very Special Circumstances.

Impact on Designated Heritage Assets: the report states that there are no issues with heritage assets, *“the proposal will not give rise to any level of harm to the setting or*

significance of the designated heritage assets. This is in line with Policy SP13 of the Local Plan and Section 16 of the NPPF”.

Design and Layout: The report states that the design is acceptable and in accordance with policy D1 and Section 12 of the NPPF.

Impact on Neighbours: Due to the isolated nature of the site, there will be no harm to the amenities and reasonable living conditions of neighbouring dwellings.

- 6.2.3 Therefore, aside from the issue 1, highways and access, the LPA state that there is no in principal issue with the change of use, as seen in the following statement: *“LPA would not object to the permanent use of the buildings for a (Sui Generis) car sales and (Use Class B2 general industrial) car servicing use, subject to several conditions including the Personal Condition set out in this report, and the alterations to fenestration to building 2”.*

7.0 CONCLUSIONS

7.1.1 This Statement relates to a proposal for the retention of the the change of use of stables to car sales and servicing, alterations to access, and modifications to barn at Friends Green Porsche, Damask Green Road, Weston.

7.1.2 Contrary to the LPA's reasons for refusal, it is considered that the appeal proposal can be safely allowed for the reasons summarised below:

- The Council deemed the application acceptable in all factors apart from the Highways issue of the alterations to the access.
- The proposal ensures that the southern access is used solely for entry while the northern access remains the exclusive point of egress. This change is significant and directly addresses earlier highway safety objections. There is no increase in vehicle movements associated with the proposal, and the site's low trip generation, already accepted under the previous permission, remains unchanged.
- The revised access strategy not only addresses the Highway Authority's previous concerns but also enhances internal circulation, eliminates unsafe reversing manoeuvres, and provides greater operational control for staff and customers.
- The appeal is submitted with an accompanying Appeal Transports Statement which concluded that *"Overall, the appeal proposals represent a safety-led, policy-compliant and proportionate improvement to the site's access strategy, with no resulting harm to the local highway network. It is therefore respectfully requested that this appeal be allowed and planning permission granted"*.

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