

S 73A Planning Application Appeal

**Land adjacent to Breachwood Green Industria Park, Pasture Lane,
Hitchin, SG4 8NY**

Pins: 3368416

North Herts: 25/00975/FP

Agent 38700

Final Comments

1. Preliminary Points

- 1.1 The Inspectorate wrote to the Council on 15 August requesting documents and that these be also sent to the appellant within 3 working days. At the date of writing, 21 August, no documents have been received. The Pins case officer was informed re the missing documents by email on 20 August. It now falls to the Inspector to decide if any party has suffered an injustice by these documents not being available to the appellant.
- 1.2 In the absence of a statement of case and the requested documents from the Council, these comments are made in respect of the delegated report. For the convenience of all parties the Council's paragraph numbers are shown thus [xx].
- 1.3 The location of the appeal site is common ground.

The delegated report

- 2 [3.2] [4.3.8] [4.3.13] Given the photographs provided by both appellant and Council, it should be common ground that the access already existed. The purpose of the car park has been explained and that the access existed before the formation of the car park. The Council accepts the purpose of the car park is to serve the industrial park.

The matters of congestion and highway safety are addressed in the appellant's Highway report.

- 3 [3.3] The objections from local people have not been seen. The written objection from the parish council exceeds that agreed by the parish council as determined by the inspection of the parish council minutes.
- 4 [4.2.1] This common ground, the application was made under S 73A which will be referred to later in respect of Biodiversity Net Gain.
5. [4.3.4] The examples quoted are from an open list which includes, in my submission, the formation of a car park being an engineering operation.
6. [4.3.6 to 4.3.11] The tests for an engineering operation concern, I submit, openness and visual impact. The cars when parked may affect openness in

the hours of daylight, Monday to Friday. But given the need for parking the cars at issue will impinge on openness to the same degree within the industrial park being within the Green Belt. The only alternative to no impact on the openness is to park within the village which is outside of the Green Belt. These matters were known to the Council in giving permissions 21/02118/FP and 22/00318/FP. At the times these permissions were issued the main modifications to the Local Plan had been published in 2019 and 2021 so that the emerging plan carried significant weight. This included removing the village from the Green Belt.

Turning to visual impact , this includes views within the Green Belt and views into it . From the west side of the industrial park along the public footpath there are views of Luton Airport. It may be inferred that the reverse also applies. But given the location of the car park, the local topography, hedging and woods the car park, as opposed to the industrial park, is not visible from the Airport. Or from any other highway or public right of way. Except at the entrance gate. The Inspector has been invited to make a local journey to test this submission in our statement of case.

- 7 [4.3.14] The Local Plan as adopted makes no policy reference to the County's Local Transport Plan No 4. The matters of highway safety and the adverse impact of parking else where have been addressed by the appellant.
- 8 [4.3.25] The retrospective application was made under the provisions of S 73A. This makes no provision for a 10% BNG gain to be secured when permitting the development nor does the secondary legislation viz the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024. Nevertheless the appellant has offered to act in the spirit of the legislation. By way of suggesting a condition when making the planning application.

Roger Pidgeon
Chartered Town Planner
21 August 2025