

**APPEAL BY MR LARRY CONNORS
AGAINST THE REFUSAL OF PLANNING PERMISSION BY
NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**Use of land for residential caravan site for 8 gypsy families including
hardstanding and existing lights (development already carried out).**

**LAND TO THE WEST OF PULMORE WATER CARAVAN PARK, ST ALBANS ROAD,
CODICOTE. HERTFORDSHIRE, SG4 8SP**

**LPA REF: 25/00979/FP
OUR REF: 25/LC/PULMORE WATER**

STATEMENT OF COMMON GROUND

1.0 INTRODUCTION

- 1.1 This Statement is divided into four parts: firstly, it describes the site and its surroundings; secondly, it summarises the planning history of the appeal site; thirdly, it gives a resume of relevant planning policies; and fourthly, it sets out matters agreed between the two main parties.

2.0 SITE DESCRIPTION

- 2.1 The appeal site comprises about 0.35 hectare of land located along the western side of St Albans Road, Codicote. The site adjoins the western boundary of Pulmore Water Caravan Park which lies between the appeal site and St Albans Road.
- 2.2 The appeal site is bounded by a quarry to the north, open fields to the west, existing caravan to the east and, residential curtilage to the south. It is enclosed by conifer hedging other than along its boundary with the authorised caravan site.
- 2.3 Access to the appeal site is from St Albans Road, through Pulmore Water Caravan Park. St Albans Road is a narrow country lane with no footpaths or street lighting. It leads northwards into Codicote and, south-westwards to Wheathamstead. The appeal site is less than 1 km by road from the edge of Codicote and, about 1.4 kms from the village centre.

3.0 PLANNING POLICY

Local Planning Policies

3.1 The North Hertfordshire Local Plan 2011-2031 was adopted on Tuesday 8 November 2022. Local Plan Policy SP2 sets out the settlement hierarchy and spatial distribution of development. Codicote is one of 5 villages earmarked to accommodate 13% of new housing in the District. Policy SP5: Countryside and Green Belt states that the Council: *“will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated”*.

3.2 Local Plan Policy HS7: Gypsies, Travellers and Travelling Showpeople sets out the Council’s locally specific criteria for the determination of applications for new traveller sites.

“a) Planning permission for accommodation for Gypsies and Travellers or Travelling Showpeople will be granted where:

b) it satisfies a demonstrated local need for accommodation;

c) the intended occupants meet the planning definition of Gypsies and Travellers, or Travelling Showpeople, as set out in government guidance or case law;

d) residents of the proposed site can access local services such as shops, schools, public transport and medical facilities within a reasonable distance from the site and where those facilities have capacity to meet the needs of the site’s residents;

e) the proposed site:

i. does not conflict with any other development plan policy or national policy including flood risk, agricultural land classification, contamination and hazardous development, and has no significant adverse impact on the character and

appearance of the countryside, or on features of significant biodiversity or heritage importance;

- ii. has no significant adverse impact on the amenity of nearby residents or adjoining land users and can be successfully screened and contained within a specified boundary;*
- iii. has adequate and safe access from a suitable road, and adequate parking, storage, turning and servicing on site;*
- iv. is capable of being serviced with water, electricity, sewerage and rubbish disposal; and*
- v. will provide a safe, inclusive and secure environment for the residents in an appropriate location to meet their needs.”*

Government Planning Policies

3.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and states in paragraph 11d): “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.*

3.4 Footnote ⁸ explains that development plan policies are out-of-date for applications involving the provision of housing, in situations where: the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the

delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

3.5 Paragraph 63 states that: *“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require*

affordable

housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁷; people who rent their homes and people wishing to commission or build their own homes.”

3.6 Footnote ²⁷ makes clear that Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the

definition in Annex 1 of that document.

3.7 Paragraph 143 of the NPPF sets out the five purposes of including land within Green Belt as being:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.8 Paragraph 148 states that: *“Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations”*. In this context Grey Belt is defined in the

Glossary as: *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in*

footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

3.9 Footnote ⁷ states that: *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote ⁷⁵); and areas at risk of flooding or coastal change.”*

3.10 Paragraph 153 sets out the presumption against inappropriate development. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵. Paragraph 153 is qualified by footnote ⁵⁵ which makes clear that it applies other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

3.11 Paragraph 155 provides that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and

d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

3.12 Footnote ⁵⁶: "Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites".

3.13 Footnote ⁵⁷: "In the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13".

3.14 Paragraph 110, referred to in paragraph 155(c), states amongst other things: *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*.

3.15 Paragraph 16 of PPTS reiterates that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply.

3.16 Paragraph 18 makes clear that the "Golden Rules", set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites. Paragraph 28 states that: if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

4.0 PLANNING HISTORY

4.1 On 20th September 2011 NHDC issued an enforcement notice in respect of a material change of use of land at Pulmer Water relating to a mixed use as a residential mobile home and caravan site and the storage of vehicles, machinery and equipment including associated works such as hard surfacing, enclosures, containers, external lighting and other services. An appeal against the enforcement notice was submitted. On

8th

March 2012 an appeal decision was issued granting a temporary planning permission for 5 years. The five-year temporary permission expired on 8 March 2017.

4.2 Planning permission was granted on 25 February 2021, under application No. 18/00794/FP, for *“Change of Use of land to use as a residential caravan site for 8 gypsy families including retention of hardstanding and existing lights”*. Permission was granted for a temporary period expiring

on

31 October 2022.

4.3 Planning application No. 25/00979/FP was validated on 28 April 2025. The proposed development involves the change of use of land to use as a residential caravan site for 8 Gypsy/Traveller families, each with one static caravan/mobile home, together with the laying of hardstanding (retrospective). Essentially, the proposal is for retention of a development which began in 2012 and, has been occupied as a residential caravan site ever since.

4.4 Planning permission was refused on 10 July 2025 for the following reasons:

1. The application site is within an area designated in the North Hertfordshire Local Plan as Green Belt, within which there is a presumption against inappropriate development, unless very special circumstances can be demonstrated. In the view of the Local Planning

Authority, the development does not fully comply with the exemption criteria set out under paragraphs 154 and 155 of the NPPF. Furthermore, the development results in a materially greater impact on openness and would conflict with one of the five purposes of the Green Belt. As such, in the opinion of the Local Planning Authority, the harm to the Green Belt

by reason of inappropriateness, as well as to openness and the purposes of the Green Belt, is not clearly outweighed by other material considerations and as a result, very special circumstances have not been demonstrated. As such, the development does not accord with the provisions of Policy SP5 of the North Hertfordshire Local Plan 2011 - 2031 or with the provisions of Section 13 of the NPPF

2. By reason of its location within the Green Belt, remoteness from local services and the lack of need for this type of residential accommodation as evidenced by the Council's Gypsy and Traveller Accommodation Assessment (2024) the development is considered to be contrary to the provisions of Policy HS7 of the North Herts Local Plan 2011 - 2031.

5.0 CASE ON BEHALF OF THE APPELLANT

Preliminary Matters

- 5.1 The National Planning Policy Framework (NPPF) puts the presumption In favour of sustainable development at the heart of both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; or, if the policies which are most important for determining the application are out-of-date, granting planning permission unless, *inter alia*, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 5.2 In the latter regard, the appeal site is not located within a SPA, SSSI, Conservation Area, Local Green Space, AONB or, National Park. Furthermore, the proposed caravan site is not located within an area shown on the Environment Agency's flood maps as being at high risk from flooding. The appeal site is located within an area designated as Green Belt.

Need for Traveller Sites

- 5.3 The Council's Gypsy and Traveller Accommodation Assessment (GTAA) was published in June 2024. The GTAA found a need for the provision of 9 permanent pitches during the period 2024 – 2038 of which, 5 are required to be provided within the first five years. No permanent pitches have been approved since the beginning of the assessment period.

- 5.4 Local Plan Policy CD6 - Land at Woodside Place, Danesbury Park Road is allocated for the provision of 4 permanent Gypsy and Traveller pitches but, temporary planning permission for 2 pitches on this site expired in 2022 and is now unauthorised.

Green Belt

- 5.5 It is agreed that development of the appeal site would not result in the sprawl of a large built-up area; erode the gap between neighbouring towns; or, affect the setting or special character of a historic town.

- 5.6 The site does not fall within any of the designations referred to in footnote

7 of the NPPF, except Green Belt. Furthermore, given the size of the site, it cannot be said to contribute strongly to the purposes of including land in Green Belt when taken as a whole.

Sustainability

- 5.7 Pulmore Water is less than 1km by road outside Codicote for access to community services and facilities, and under 3kms by road from the centre of Welwyn. There is a primary school, post office/store, public house, pharmacy, church and village hall in Codicote. There are GP surgeries and a hospital in Welwyn.

Site Specific Criteria

- 5.8 It is agreed that the development provides appropriate living conditions for the occupiers of the site in terms of noise and air quality, and the Council has not raised any objection in terms of highway safety.

SIGNED on behalf of the Appellant

by:.....

DATED:

SIGNED on behalf of the District Council by:

.....

DATED: