

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00975/FP	Creation of car park with 28 spaces to serve the adjacent industrial area (development already carried out).	Land Adjacent To Breachwood Green Industrial Park Pasture Lane Breachwood Green Hitchin SG4 8NY

Submitted Plan Nos

Location Plan LABrchwdG-FUL-25-01 LABrchwdG-FUL-25-02 LABrchwdG-FUL-25-03 LABrchwdG-FUL-
25-04 LABrchwdG-FUL-25-05

1.0 Policies

1.0 **Planning Policy**

1.1 **North Herts Supplementary Planning Documents.**

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD.

2.2 **National Planning Policy Framework (2024)**

Section 2 - Achieving sustainable development

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 11 - Making effective use of land.

Section 12 - Achieving well-designed places.

Section 13 - Protecting Green Belt land

Section 15 - Conserving and enhancing the natural environment.

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission (Main modifications November 2018)**

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP3 Employment

Policy SP5 Countryside and Green Belt

Policy SP6 Sustainable Transport

Policy SP9 Design and Sustainability

Policy SP11 Natural Resources and Sustainability

Policy T1 Assessment of Transport Matters

Policy T2 Parking

Policy D1 Sustainable Design

Policy D3 Protecting Living conditions

Policy D4 Air Quality

Policy NE1 Landscape

Policy NE7 Reducing Flood Risk

Appendix 4: Car Parking Standards

The application site lies outside of the village of Breachwood Green which is identified as a Category A settlement in the North Herts Local Plan.

2.0 **Site History**

- 2.1 There is no direct planning history on the application site however the history on the adjacent industrial park is as follows:
- 2.2 18/01814/FP: Residential development comprising of 2 x 2 bedroom bungalows, 6 x 2 bedroom houses and 6 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings. Refused 23/8/19
- 2.3 21/02118/FP: Erection of industrial building to the south of the site with associated parking and landscaping with alteration to existing access following demolition of existing outbuildings. Granted 8/2/22

2.4 22/00318/FP: Retention of industrial storage building Granted 28.06.22

3.0 **Representations**

3.1 Kings Walden Parish Council: Advise as follows:

- Strong objection
- Over 100 members of the community objecting
- Object to removal of valuable agricultural land
- Concerns over highway safety
- No respect for the village or residents

3.2 Herts Highways – advises as follows:

'There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety, sustainability, and convenience. The highway would question

- *What is the purpose of car park and who will use them*
- *It appears to me that the access point was not approved by the highways*
- *No documents are provided in terms of access approval*
- *Inadequate visibility at the access point*

Pasture Lane is an unnumbered classified road type-C. It is classified as narrow rural lane with speed limited of 60mph. Also, visibility is very limited due to sharp bend along road. The highway authority consider that the proposed car park will generate significant numbers of vehicular trips in the vicinity and will have unacceptable impact on the local highway network in terms of traffic congestion and highway safety. Therefore, the highway considers that the proposed development is unacceptable due to the nature of Pasture Lane and in the context of LPT4 and NPPF 2024 policies'

3.3 Site Notice / Adjoining occupiers: Comments received from 3 local residents raising the following concerns:

- ☐ Objection – company has no regard for the planning process / residents
- ☐ Unsuitable for the area – should be returned to agriculture
- ☐ Road safety issues from speeding cars, narrow lane, limited visibility and lack of pavements
- ☐ Adverse visual impact / verge not reinstated

- ☐ Room exists within the industrial site for parking
- ☐ Unauthorised cameras and lighting

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a roughly rectangular shaped piece of land located on the south side of Pasture Lane west of Breachwood Green village. The car park is approximately 100 sqm (0.01 hectares). The site is within the Green Belt.

4.2 **Proposal**

- 4.2.1 Retrospective planning application for a car park with 28 spaces to serve the adjacent industrial area.

4.3 **Key Issues**

4.3.1 Principle of the development

- 4.3.2 Paragraph 142 of the NPPF states that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.

- 4.3.3 Paragraph 153 of the NPPF states:

'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 openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

- 4.3.4 Paragraph 154 sets out various exceptions to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These exceptions include at:

h) v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) .

- 4.3.5 Policy SP5 (Countryside and Green Belt) states at c) 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;'

- 4.3.6 Prior to the construction of the car park the application site was agricultural land forming part of a larger agricultural field. The supporting statement clearly confirms the former agricultural use at section 6 :

'The pre existing condition of the site was as farmland and it was a monoculture that only changed with crop rotation'

- 4.3.7 The use of the land for the parking of vehicles has a visual and spatial impact. There are 20 or more vehicles parked on the site for most of the working day (the supporting statement confirming that the car park is in use for 11 hours a day five days a week). Previously the site was open agricultural land and these parked vehicles together with the movement generated has a significant spatial impact on the openness of the Green Belt. The land is also readily visible from Pasture Lane and the nearby footpath Kings Walden 004 located to the west. The parked cars are separated from the nearby small industrial site to which it serves, the entrance to which is located 120 metres to the north west along Pasture Lane. This separation from the industrial site makes the use of the land even more incongruous, disassociated from the industrial site and emphasising its marked effect in reducing its openness.
- 4.3.8 There is some screening along the site frontage with Pasture Lane and the submitted site plans show proposed planting areas at either end of the car park however no such planting is possible along the gated entrance which is open during work hours. Even if the gate was closed its field gate appearance would not prevent views into the site. The landscaping areas are in any event small and would not preserve the openness of the site given its size. The use of the land for parking purposes therefore contravenes the purposes for which the Green Belt serves and the purposes of including land within it, namely, to assist in safeguarding the countryside from encroachment. Whilst the applicant has not put forward a case that the site utilises grey belt, irrespective of whether this is the case, the development does not comply with criteria (b) and (c) of NPPF 155 as it has not been shown that there is a demonstrable unmet need for the development and it is not in a sustainable location. Therefore, the development is inappropriate within the Green Belt.
- 4.3.9 It is concluded that the development is inappropriate development that is, by definition, harmful to the Green Belt and therefore contrary to national and local policy to protect the Green Belt. This harm carries substantial weight in the planning balance.
- 4.3.10 Policy SP3 of the NHLP states that *'The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer'* It further states that the Council will support *'support offices, research and development, light industrial and B-class uses in appropriate locations ...'* The proposed location of the car park outside of the defined village boundary and in a location difficult to reach by public transport, is not an appropriate location to encourage an employment related use.
- 4.3.11 The NPPF seeks to support a prosperous rural economy however paragraph 89 of the NPPF says that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable. The development is not sensitive to its surroundings because of its adverse visual and spatial impact and the highway authority have objected on sustainability and highway safety grounds. As such there are limited economic grounds to justify the development.
- 4.3.12 Whether there are any very special circumstances to justify the inappropriate development
- 4.3.13 As the development is inappropriate in the Green Belt, for the development to comply with Green Belt policy very special circumstances must exist to clearly outweigh the

harm to the Green Belt by reason of inappropriateness and any other harm. The applicants supporting statement states that the car park is necessary to avoid employee cars being parked on nearby highways and in the village. The statement also states that the car park is a local transport infrastructure development necessary to serve the nearby industrial site in accordance with paragraph 154 (h) iii of the NPPF which allows for local infrastructure in the Green Belt where such a location has been demonstrated. The planned expansion of Luton Airport, recently approved by the Government's Transport Secretary, is referred to as a relevant consideration. Essentially the applicants very special circumstances case is that it is better to permit a car park on Green Belt land than for cars to park in local roads.

- 4.3.14 No evidence has been provided to demonstrate that there is not sufficient room for employees to park within the nearby industrial estate. Indeed, the site layout for one of the most recent planning applications on that site (21/02118/FP), by the same applicant company as the current application, showed a parking area for 20 cars. Even if there are now limitations to parking availability at the industrial site, that is an operational matter for the owners of that site and no evidence has been provided as to what alternative forms of parking provision or methods to improve the amount of on-site parking were investigated prior to developing the car park site down the road. Accordingly, I find that the very special circumstances case advanced by the applicant are not compelling and insufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified to the openness of the Green Belt and purpose, and character and appearance of the area, as well as highway safety which is addressed at 4.3.20 to 4.3.23 of this report.

4.3.15 Impact on the character and appearance of the area

- 4.3.16 The surrounding land to the application site is predominantly agricultural in character. It is acknowledged that a residential property lies immediately to the west of the car park site however all of the land to the south, north and east of the site for some distance is agricultural with access to these field parcels via rural lanes with hedgerows. The car park development which includes a gravel surface, some lighting columns and a security camera is at odds with this open rural character and contrary to the provisions of Policy SP9 and D1 of the North Herts Local Plan which require new development to be well-designed and located and to respond positively to its local context.

4.3.17 Loss of Agricultural land

- 4.3.18 According to Natural England Agricultural Land Classification map for the Eastern Region the agricultural land around Breachwood Green is Good to Moderate (Grade 3). The best and most versatile agricultural land is Grades 1, 2 and 3a. Whilst there is some loss of agricultural land it only involves a small area of 0.01 hectares and land that is arguably not the best quality agricultural land. The use is also potentially reversible therefore in the longer term the land could be re-used for agricultural purposes.

4.3.19 Highway safety and sustainability

- 4.3.20 Local Plan Policy T1 permits development that would not lead to highway safety problems or cause unacceptable impacts upon the local highway network. The Highway Authority considers that the proposed car park will generate significant numbers of vehicular trips in the vicinity of the site and will have unacceptable impact

on the local highway network in terms of traffic congestion and highway safety. They have also expressed concerns over the sustainability of the use.

4.3.21 The application includes a visibility sight lines drawing (FUL/25/05) and a vehicle swept path drawing (FUL/25/04). The Highway Authority consider the visibility to be inadequate and the swept path drawing does not account for any commercial vehicles that may use the car park.

4.3.22 The application site is approached by a narrow rural lane which has no passing places, footpaths or street lighting and there is an almost 90-degree bend in the lane immediately to the west of the site that limits visibility for vehicles entering and leaving the site. In these circumstances it is considered that the concerns of the highway Authority are entirely justified and merit a reason for refusal of the development on highway safety grounds.

4.3.23 Hertfordshire County Council's Local Transport Plan (LTP4 adopted 2018) sets out a transport user hierarchical approach to development focussing on firstly reducing travel demand and then placing the needs of vulnerable road users (such as cyclists and pedestrians) and passenger transport users above the needs of other vehicle users. In this case the planning statement admits that all staff users at the nearby industrial estate travel by car with no green travel initiatives taken up by employees. This demonstrates that the development does not acknowledge local sustainable travel policy and has no regard to the environmental consequences of the development.

4.3.24 Loss of BNG

4.3.25 The development, although retrospective, is not exempt from the need to achieve a 10% biodiversity net gain as more than 25 sq metres of on-site habitat would have been affected. Some planting areas are shown either end of the car park but the application is not accompanied by the statutory biodiversity metric that would have measured how many units of habitat the site contained before the development took place or how many habitat units are needed to replace the units of habitat lost to achieve 10% BNG.

4.3.26 Flood Risk

4.3.27 The site is within Flood Zone 1 and therefore there is a low probability of flooding. The site is below 1 hectare therefore a Flood Risk Assessment is not required prior to determining this application.

4.3.28 Luton Airport

4.3.29 The site is under the flight path to Luton London Airport however as there are no structures involved and the use is limited to the parking of vehicles it is not considered that the development has any material impact on the operation of the airport.

4.3.30 Climate change

4.3.31 The development is not considered to have any significant impact on local climate change

4.3.31 Planning Balance

4.3.32 I conclude that the development is inappropriate development that would conflict with national and local policies that seek to protect the Green Belt. There are no other considerations in favour of the development that clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified. Therefore, the very special circumstances necessary to justify the retention of the unauthorised development do not exist. The NPPF stipulates that substantial weight must be attached to such harm. The development conflicts with Local Plan Policy SP5 and relevant policies within Section 13 of the NPPF relating to the Green Belt. The proposed development results in harm to the character and appearance of the area and highway safety and therefore conflicts with Local Plan Policies D1 and T1.

4.4 **Conclusion**

4.4.1 That the development is unacceptable in planning and highway terms.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** subject to the following conditions:

1. The application site is within the Green Belt as identified in the North Hertfordshire Local Plan 2011 - 2031 wherein permission will only be given for the erection of new buildings for agricultural purposes, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The development is an inappropriate form of development in the Green Belt and therefore is unacceptable in terms of Policy SP5 of the North Hertfordshire Local Plan and the guidance in Section 13 of the National Planning Policy Framework (2024). The development cannot be justified in terms of the purposes specified and no very special circumstances have been demonstrated which may justify an exception to be made for such development in the Green Belt.
2. By reason of the amount of vehicular trips generated together with the inadequate means of access to the site via a narrow rural lane which has poor visibility for pedestrians and motorists with no footpaths or street lighting, the development is considered unsustainable and likely to lead to conditions detrimental to highway safety. The development is contrary to the provisions of Policy T1 of the North Herts Local Plan, Policies 1, 2 and 5 of the Hertfordshire Local Transport Plan (LTP4) and Section 9 of the National Planning Policy Framework (2024).
3. The development, by reason of the introduction of commercial parking into an established agricultural setting together with the associated vehicular movement, hardsurfacing and lighting, results in an adverse visual impact and consequent harmful effect on the character and appearance of the area. The use is therefore contrary to the provisions of Policies SP9 and D1 of the North Herts Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 June 2025	