

Church Wood, Three Houses Lane, Hertfordshire

Appeal Statement against North Herts Council for the refusal of application 24/02343/FP

March 2025



WARNER

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1 Introduction

This Statement of Case is submitted by Warner Planning on behalf of our Client D&A Architectural and Structural in conjunction with an appeal against the refusal of application 24/02343/FUL under the authority of North Herts Council and was validated with the following description:

“Change of use of existing site from agricultural to use Class B8 (Storage and Distribution). Extensions and alterations to existing barns; erection of detached temporary structure of three years and supporting substation and concrete base. Installation of hardstanding for outside storage and parking and installation of electric front entrance gates. Drainage pond and associated outfall pipe, alterations to surface access track (Development has commenced).”

The Planning Application (24/02343/FP) was submitted to the Council on the 23rd of December 2024 and was subsequently made valid. The application was given a determination date of the 24th March 2025 and was taken to committee on the 6th March 2025 with the recommendation for refusal.

Please refer to the documents list submitted in accompaniment of this appeal submission.

This Statement of Case sets out the background relevant to the determination of the application, by describing the site and its general locality, before setting out details of the proposed development. The statement provides an overview of the planning policy context against which the development is assessed, followed by a detailed consideration of the development proposals against this policy context and all other relevant material considerations.

It is considered that there are compelling grounds to support the proposed development, including:

- The reuse of existing built form within the Grey Belt
- Effective use of previously developed land, avoiding erosion into the Green Belt and countryside.
- The limited development which results in retention of the openness of the Green Belt
- Continued relationship with the setting and appearance of Three Houses Lane
- A development that adheres to and complements local and national policy
- The implementation of supporting infrastructure for the site and locality
- The reduction in large and heavy goods vehicles along Three Houses Lane compared to the potential baseline.
- The retention and re-use of the existing access point to the site



- The retention of the existing built form and it is in keeping with the local character
- Continuation of farm diversification to support the rural economy. Especially when considered in the context of the potential Class R fallback.
- Ongoing investment into a rural-based economy benefiting the local community.
- The opportunity to improve the local highway network.
- Occupation of the building is low-impact activity limiting disruption in the countryside through noise and disturbance.
- Provision of employment opportunities through associated activities.

In making this planning appeal, it is our purpose to highlight that the application proposes a high quality, sustainable development that will complement the immediate locality, and the wider area.

This Statement should be read in conjunction with the supporting documents, existing and proposed plans, submitted to accompany this planning application.



2 The site and surrounding area

The application site is situated at Church Wood, Three Houses Lane, which is most closely linked to the settlement of Codicote. Three Houses Lane is a road that services the nearby residential properties, agricultural premises and equine/commercial facilities. The application site comprises an area of approximately 0.42 hectares.

Codicote is classified as a village in the North Hertfordshire Local Plan and set out in Policy SP2 of the North Herts Local Plan will be allocated:

"Approximately 13% of housing delivery along with supporting infrastructure and facilities."



Figure 1: Site location in the context of the wider locality (indicative not for scaling).





Figure 2: Aerial image of the application site.

Codicote is recognised as a village under Policy SP4 of the Local Plan. Subparagraph (a) of Policy SP4 states that:

“The Council will make provision for an appropriate range of retail and service facilities across the district and are committed to protecting the vitality and viability of all centres. We will:

a) Promote, protect and enhance the provision of shops, financial and professional services, café or restaurants, pubs or drinking establishments or takeaways in the following centres in our retail hierarchy:

i. the town centres of Hitchin, Letchworth Garden City, Baldock and Royston;

ii. 13 existing local centres consisting of:

- village centres at Ashwell, Codicote and Knebworth;*
- seven centres in Hitchin*
- two centres in Letchworth Garden City; and*
- the centre at Great Ashby; and*



iii. 2 new local centres north of Baldock and East of Luton within the strategic housing sites identified in this Plan;

The site hosts three existing barns, which have been extended from their original form, and two lean-to structures have been erected, which are now being used under Use Class B8 for storage and distribution purposes. The site will also include setback gates at the access point off Three Houses Lane to ensure site security.



Figure 3: The existing site access (to be retained) from Three Houses Lane.

The site is located North of the village of Codicote by approximately three miles and Northwest of Welwyn town by approximately 4 miles. The site is surrounded by woodland within its immediate locality, with the nearest neighbouring properties being located approximately a mile to the East and West.

The application site is accessed off Three Houses Lane via a private drive, which will be electronically gated. The site is bounded by fencing and dense hedgerows and vegetation. The fencing was recently installed to help tackle the issue of trespassing on-site. The site has private parking by providing a hard-surfaced area on site.

Whilst the dominant use along Three Houses Lane is residential properties, the wider area of Codicote hosts a mixed use of residential and commercial premises accommodating local businesses.



Planning History

The below table sets out the planning history upon the site. This information is sourced from a search of the North Hertfordshire Councils planning application search engine.

Reference	Address	Proposal	Status
05/01337/1	Church Wood, Three Houses Lane, Codicote, Herts	Erection of detached building to provide machinery store and workshop.	Conditional permission November 2005
14/02866/1AG	Land At Church Wood, Three Houses Lane, Codicote	Erection of storage barn	Prior approval not required. December 2014
18/01478/AG	Proposed Barn, Church Wood, Three Houses Lane, Codicote, Hertfordshire	Agricultural Barn (open sided) for the storage of straw (as amended by forms and location plan received 10 July 2018)	Prior approval not required. July 2018
20/00614/PNQ	Church Wood, Three Houses Lane, Codicote, Hertfordshire	Prior Approval notification – Class Q: Conversion of agricultural building onto one 3-bed dwelling	Refused May 2020
22/01891/FP	Proposed Barn at Church Wood, Three Houses Lane, Codicote, Hertfordshire	Change of Use of existing agricultural barn to one 3-bed dwelling	Conditional permission September 2022
24/1002/FP	Church Wood, Three Houses Lane, Codicote, Herts	Change of use of existing barns to office space and the erection of a supporting substation	Withdrawn
24/02343/FP	Church Wood, Three Houses Lane,	Change of use of existing site from agricultural to use Class B8 (Storage	Application refused



	Codicote, Herts	and Distribution). Extensions and alterations to existing barns; erection of detached temporary structure of three years and supporting substation and concrete base. Installation of hardstanding for outside storage and parking and installation of electric front entrance gates. Drainage pond and associated outfall pipe, alterations to surface access track (Development has commenced).	
24/01042/FP	Church Wood, Three Houses Lane, Codicote, Herts	Change of use of land to equestrian, erection of stables and covered menage.	With the Council for validation

Local Precedent

Within the locality, there is clear precedence for the change of use of several premises to Use Class B8. Some of these precedent applications are set out below:

Reference	Address	Proposal	Status
19/00777/LDCE	Land North of Oakleigh, Codicote Road, Welwyn, Hertfordshire	Lawful Development Certificate (Existing Use): Unit 5 - General Industrial and Storage (Mixed B2 and B8 Use). Unit 6 - General Industrial (B2 Use). Unit 7c - General Industrial (B2 Use). Unit 7d - General Industrial and Storage (Mixed B2 and B8 Use). Unit 8 - Equestrian. Unit 9 - Equestrian. Unit 11 - Storage (B8 Use). Unit 12 - Storage of Plant and Equipment (B8).	Granted permission.
10/00021/LDCE	Heath Farm, Pottersheath Road, Pottersheath, Hertfordshire, AL6 9ST	Lawful Development Certificate (Existing Use): Units 1 and 2 - B2 and B8; Units 3 and 4 - B8 Storage; Siting and Use of Portakabin's - B8 Storage	Granted Permission
06/01569/1	Welwyn Equestrian Centre Pottersheath	Continuation of use of land for industrial/storage (B8) use and	Conditional permission



	Road Welwyn AL6 9SZ	retention of building, shipping containers and canopy roof areas for storage purposes. (Variation of application no. 02/00972/1 granted permission on 11/09/2002).	Granted
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Site Attributes and Constraints

Attribute / Constraint	Applicability
Green Belt	The site is located within the Green Belt.
Area Of Outstanding Natural Beauty (AONB)	The site is not located within an AONB
Conservation Area	The site is not located within a conservation area
Listed Buildings	There are no listed buildings upon the site or within the immediate area surrounding the site.
Flood Zone	The site is located within Flood Zone 1 from fluvial sources, and the majority of the site is not at risk from surface water flooding, although there is a small area at risk to the east of the eastern barn on the site.
Environmental Designation (such as SPA/ SANG/ Wildlife Site)	There are no known environmental designations upon the site. However, the application site is directly adjacent to designated ancient woodland. The site is also located within close proximity to a designated Site of Special Scientific Interest.
Within a Neighbourhood Plan Area	The site is located within the designated area for Knebworth Neighbourhood Plan.
Public Rights of Way	There are no public rights of way upon the site



3 Proposed Development

This section outlines the proposal submitted to the Council. The application sought full retrospective planning permission

The proposal/development would consist of the following:

- The conversion of the existing built form to use class B8 for storage and distribution
- The extension of two barns
- The erection of a temporary building for welfare purposes
- The instillation of windows on barn 1
- The surfacing of an existing access track around the site
- The creation of hard standing areas to facilitate parking and outside storage provision
- The erection of a substation on site
- Reduction in Large vehicles accessing the site and using Three Houses Lane.
- Sustainable fabrication of the built works on site
- Associated parking spaces
- Existing access will continue to be utilised by the proposed scheme.
- Ecological preservation and enhancement measures

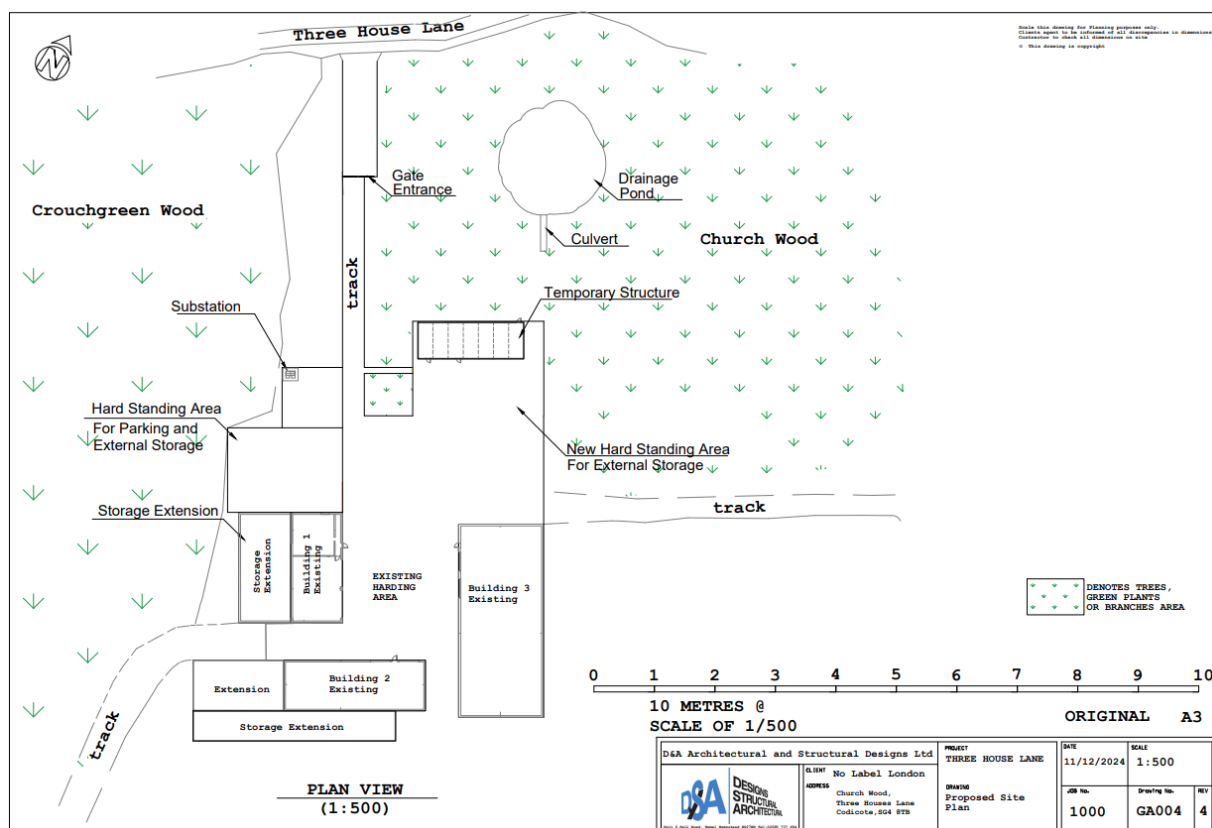


Figure 4: Existing and Proposed Site Plan.





Figure 5: proposed and existing site plan.

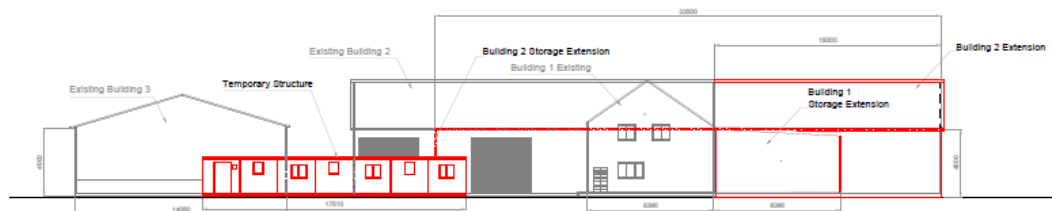


Figure 6: Front Elevation of the site (South viewpoint looking from Three Houses Lane)



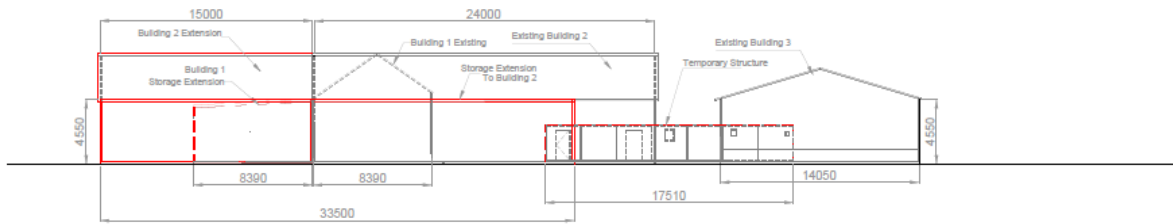


Figure 7: Rear Elevation of the site (North)

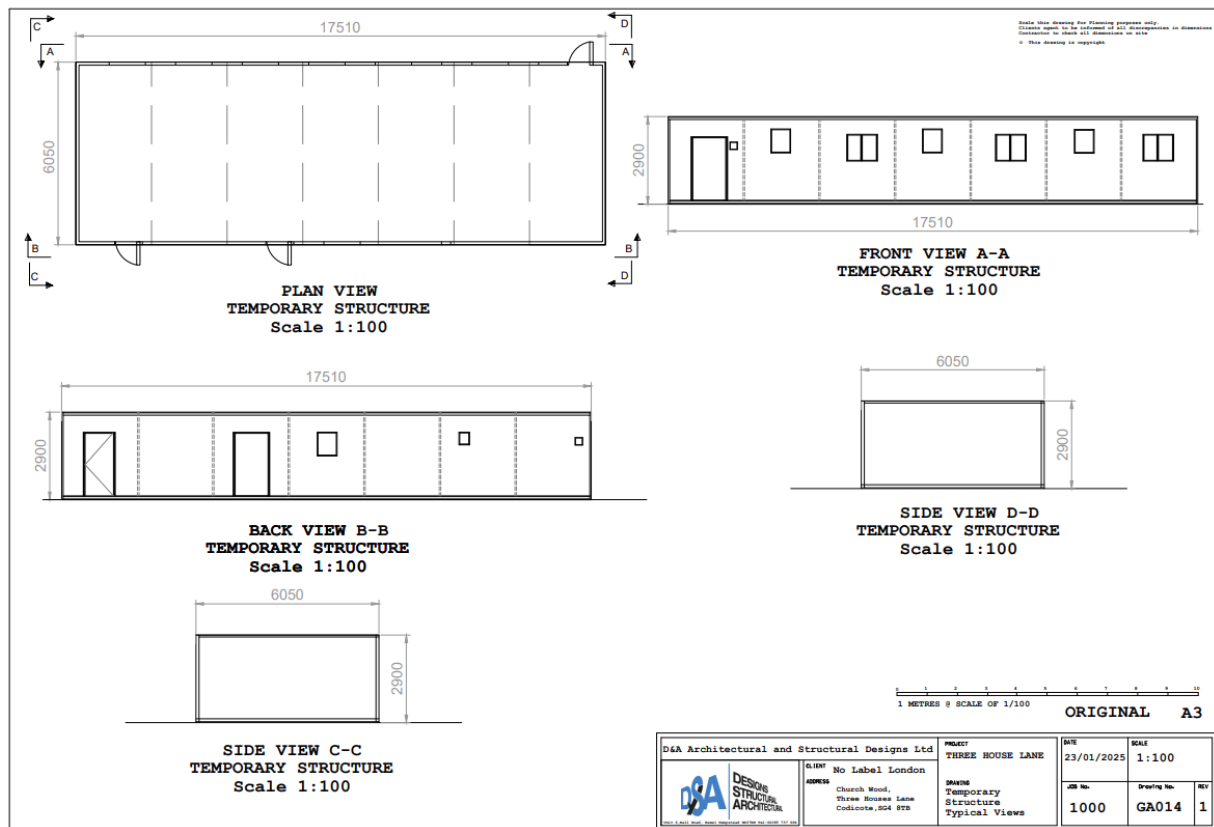


Figure 8: proposed and existing elevations and floor plan of the temporary building



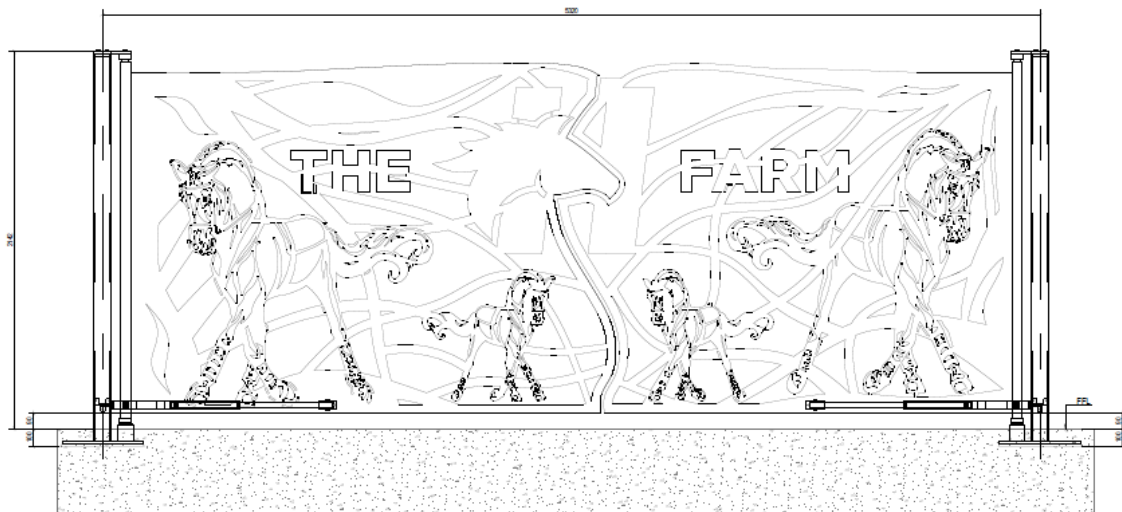


Figure 9: Front Elevation of the Entrance Gates (South viewpoint looking from Three Houses Lane)

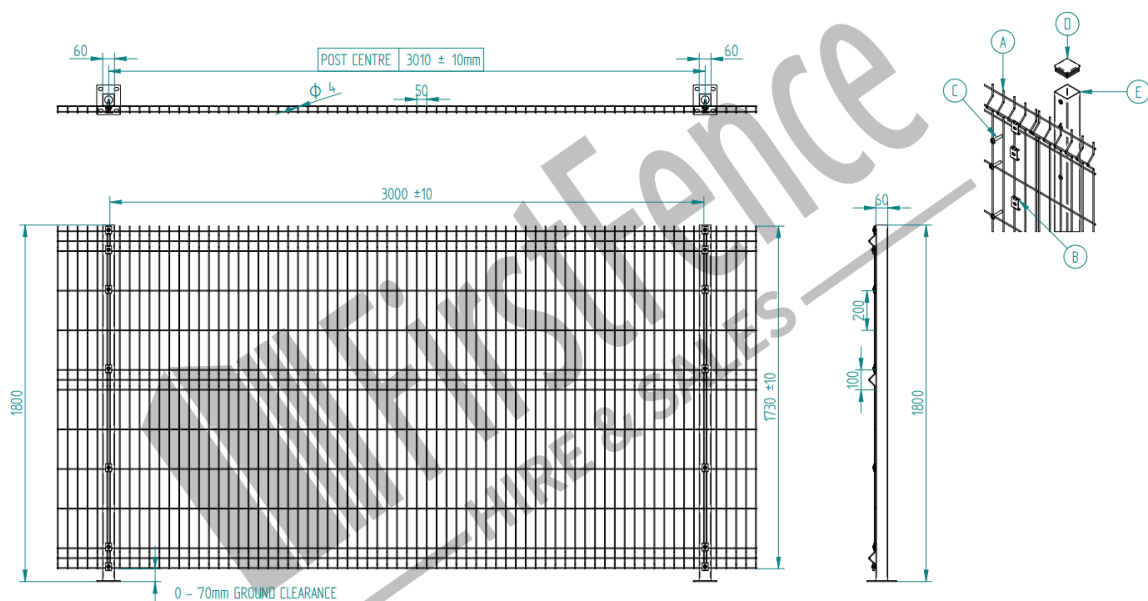


Figure 10: Proposed and existing fencing plans.



4 Application and Planning Policy Context

The planning policy context relating to the application site is formed through:

- National Planning Policy (2024)
- Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan material for this proposal comprises:

- North Hertfordshire Local Plan 2011-2031
- Knebworth Neighbourhood Plan

Other material considerations include:

- Planning Obligations SPD
- Sustainability SPD

National Planning Policy Framework (2024)

The National Planning Policy Framework (NPPF 2024) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing, and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

At the heart of the Framework is a "presumption in favour of sustainable development". Therefore, where there are no relevant development plan policies or the policies which are most important for determining the application are out of-date, planning permission should be granted unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.

Chapter 2 of the NPPF sets out guidance towards achieving sustainable development. The guidance emphasises that achieving sustainable development should be supported by the provision of economic, social, and environmental objectives. The guidance states that;



"The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"

Chapter 6 of the NPPF sets out guidance towards building a strong, competitive economy. The guidance states that:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

This is furthered in paragraph 88 where it specifically states the following:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."*

Paragraph 116 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.."

Chapter 11 of the NPPF sets out guidance towards making effective use of land. Paragraph 124 of the NPF states that:

"Planning policies and decisions should promote an effective use of land in meeting the need



for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

This is furthered in paragraph 125 (c) and (d):

"Planning policies and decisions should:

...

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure ..."

Paragraph 127 of the NPPF states that:

"Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."

This is furthered by Paragraph 128:

"Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:



a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.”

Chapter 12 of the NPPF sets out guidance towards achieving well designed and beautiful places. Paragraph 131 specifically states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Chapter 13 of the NPPF sets out guidance towards protecting Green Belt Land. Paragraph 142 of the NPPF states that:

“The Government attaches great importance to Green Belts. 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.”

Paragraph 143 sets out the five purposes of the green belt:

“Green Belt serves five purposes:

- 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.”*

This is furthered in paragraph 153 of the NPPF which states the following;

“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. 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.”

Paragraph 154 of the NPPF sets out the exemptions for development in the green belt:

“Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Paragraph 155 of the NPPF sets out criteria to meet the Green Belt definition and therefore constitute to acceptable form of development. It states the following:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise green 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."

North Hertfordshire Local Plan 2011-2031

Strategic Objectives:

ENV4

Mitigate the effects of climate change by encouraging the use of sustainable construction techniques, the appropriate use of renewable energy technologies and reducing the risk of flooding.

ECON1

Support a vibrant, diverse and competitive local economy that provides a range of job opportunities enabling new and existing businesses to grow and thrive.

ECON2

Ensure an adequate supply of employment land, office accommodation and support facilities to meet the needs of new and existing businesses within our urban and rural areas.

ECON8

Ensure all development is supported by the necessary provision of, or improvements to infrastructure, services and facilities in an effective and timely manner to make development sustainable and minimise its effect upon existing communities

SOC2

Encourage safe and vibrant mixed communities that provide for the needs of all North Hertfordshire's residents.

Policy SP1 – Sustainable Development in North Hertfordshire

This Plan supports the principles of sustainable development within North Hertfordshire. We will:

Maintain the role of key settlements within and adjoining the district as the main focus for housing, employment and new development making use of previously developed land where possible;



Ensure the long-term vitality of the district's villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities;

Grant planning permission for proposals that, individually or cumulatively:

- delivers an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations in this Plan;
- create high-quality developments that respect and improve their surroundings and provide opportunities for healthy lifestyle choices;
- provide the necessary infrastructure required to support an increasing population;
- protect key elements of North Hertfordshire's environment including biodiversity, important landscapes, heritage assets and green infrastructure (including the water environment); and

secures any necessary mitigation measures that reduce the impact of development, including on climate change; and Support neighbourhood plans and other local planning initiatives where they are in general conformity with the strategic policies of this Local Plan.

Policy SP3 – Employment

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. We will

Allocate an adequate supply of employment land to meet the needs of the Functional Economic Market Area over the plan period to 2031. The allocations as shown on the Policies Map are:

- east of Baldock BA10 (19.6ha); and
- west of Royston RY9 (10.9ha);

Safeguard Employment Areas within the District's main settlements, as shown on the Policies Map, to enhance and protect their employment potential;

Work with landowners, developers and, for sites on the edge of the district, adjoining authorities to identify an appropriate amount of employment land to be included through the master planning process in strategic housing sites;

Permit an appropriate range of offices, research, and development, light industrial or B class employment uses within these areas;

Promote and support the expansion of the knowledge-based economy in the district. Proposals for the redevelopment of existing employment sites and the development of new employment sites which increase the level of knowledge-intensive employment will be supported in principle.

Support offices, research and development, light industrial and B class uses in appropriate locations outside of designated employment areas, including offices in main town centres and concentrations of these employment uses in certain villages; and

Ensure relevant policies of this Plan recognise the contribution of sectors other than B Class uses and offices, research and development and light industrial uses, including tourism, to the provision of jobs.



Policy SP5 – Countryside and Greenbelt

We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We: Have conducted a comprehensive review of the Green Belt. Land has been removed from the Green Belt to:

- enables strategic development at the locations referred to in Policies SP8 and SP3;
- enable local development around a number of the district's towns and villages; and
- define boundaries for villages referred to in Policy SP2 which fall within the Green Belt but were previously 'washed over' by this designation;

Have provided new Green Belt to cover, in general terms, the area bounded by the Metropolitan Green Belt to the east, the Luton Green Belt to the west and the A505 Offley bypass to the north;

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; and Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.

Policy SP7 – Infrastructure requirements and developer contributions

The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:

Require developers to provide, finance and / or contribute towards provision which is fairly and reasonably related in scale and kind to the development, including:

- on-site and/or off-site improvements and infrastructure necessary as a result of the development in order to:
 - ensure appropriate provision of facilities and infrastructure for new residents;
 - contribute toward addressing cumulative impacts that might arise across multiple developments;
 - avoid placing unreasonable additional burdens on the existing community or existing infrastructure;
 - mitigate adverse impacts where appropriate; and/or
 - enhance critical assets or make good their loss or damage; and
- maintenance and/or operating costs of any such new provision;

Ensure essential new infrastructure to support new development will be operational no later than the completion of development or during the phase in which it is needed, whichever is earliest;

Refuse planning permission where appropriate agreements or processes ensuring criteria (a) and (b) can be met are not in place;



Have regard to relevant national guidance or requirements in relation to planning obligations and any Community Infrastructure Levy or successor funding tariff which may be introduced by the Council;

Work with landowners, developers, and other agencies in facilitating the delivery of sites identified in the Local Plan and associated infrastructure and seek to overcome known obstacles; and

Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and / or mitigation can be secured.

Policy SP9 – Design and Sustainability

The Council considers good design to be a key aspect of sustainable development. We will:

a) Support new development where it is well designed and located and responds positively to its local context;

b) Require Strategic Masterplans to be produced for Strategic Housing Sites and other significant development. Significant development generally comprises residential development of 100 dwellings or more. Exceptionally, developments under 100 dwellings will be considered significant if there are site specific complexities and sensitivities that require a masterplan-led approach. In some circumstances a Strategic Masterplan may also be required to consider the cumulative impact of more than one site to support a co-ordinated and integrated approach to place-making and design.

c) Require Strategic Masterplans and planning applications for Strategic Housing Sites and significant development to (as applicable):

i. create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character

ii. create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;

iii. provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrate with the wider built and natural environment and communities;

iv. plan for integrated and mixed-use communities with walkable locally accessible community, employment and retail facilities;

v. positively integrate with adjacent rural and urban communities and positively contribute to their character and the way the area functions, including addressing cumulative, cross boundary planning and infrastructure matters;

vi. create and accessible multi-functional green infrastructure network that provides:

- a key structuring and functional place-making feature supporting healthy lifestyles, sport, play



and recreation linking into the wider Green Infrastructure Network; and

- a high-quality integrated network to support ecological connectivity, biodiversity net gain, climate adaptation and mitigation linking into the wider Ecological Network
- vii. ensure the effective use of sustainable urban drainage and sustainable water management;
- viii. ensure a hierarchy of linked, high quality and attractive public spaces and public realm that is safe, attractive and supports social interaction for all age groups; and
- ix. design to last with a clear stewardship, management and maintenance strategy

d) Ensure Strategic Masterplans are informed by a technical and design evidence base and include the following for Strategic Housing Sites and where applicable for other significant development:

- i. site specific vision and place-making principles
- ii. Masterplan setting out the quantum, scale, type, mix and distribution of land uses, housing and community facilities;
- iii. Green Infrastructure Framework identifying the scale, distribution, type and design of green spaces, biodiversity net gain, strategic drainage and on and off-site linkages:
- iv. Movement Framework setting out the key access points, strategic highways, street hierarchy and footways and cycleways (on and off site)
- v. Urban Design Framework and design principles identifying how the site responds to local character and context and key structuring elements and layout principles (including heights and densities)
- vi. Sustainability & Energy Framework identifying site-wide and building scale opportunities for low and zero carbon
- vii. Illustrative Masterplan Layout
- viii. Infrastructure Delivery, Phasing & Management Strategy

e) Encourage the submission of Strategic Masterplans for the Council's consideration and agreement before the submission of a planning application. We will also confirm the scope and contents of individual Strategic Masterplans with applicants in pre-application discussions. Planning applications must be accompanied by a Strategic Masterplan. Where applications have already been submitted to the Council a Strategic Masterplan should be agreed with the Council prior to or as part of the grant of planning permission. Adherence to the Strategic Masterplan will be secured through planning conditions and/or legal agreement.

f) Assess proposals against detailed policy requirements set out in this Plan and have regard to the Design SPD; and

g) Adopt the Government's additional technical standards for the size of new homes, water efficiency and, in specified circumstances, accessibility.

Policy SP11 – Natural Resources and Sustainability

This Plan seeks to meet the challenges of climate change and flooding. We will:



- a) Support proposals for renewable and low carbon energy development in appropriate locations;
- b) Take a risk based approach to development and flood risk, directing development to areas at lowest risk in accordance with the NPPF and ensuring the provision of Sustainable Drainage Systems (SuDS) and other appropriate measures;
- c) Support the principles of the Water Environment (Water Framework Directive) Regulations 2017 and seek to protect, enhance and manage the water environment;
- d) Give consideration to the potential or actual impact of land contamination and support proposals that involve the remediation of contaminated land; and
- e) Work with utilities providers, East Hertfordshire District Council and relevant agencies to ensure additional wastewater treatment capacity is delivered without harm to protected European sites.

Policy SP12 – Green Infrastructure, Landscape and Biodiversity

We will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. We will:

- a) Protect, identify, manage and where possible enhance a strategic multi-functional network of green infrastructure;
- b) Consider and respect landscape character, scenic beauty and locally sensitive features, particularly in relation to the Chilterns Area of Outstanding Natural Beauty;
- c) Protect, enhance and manage designated sites in accordance with the following hierarchy of designations and features:
 - Internationally designated sites
 - Nationally designated sites
 - Locally designated sites;
 - Non-designated sites that include important habitats and species
- d) Protect, enhance and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity; and
- e) Protect other open spaces and support provision of new and improved open space.



Development Management Policies (North Herts Local Plan)

Policy ETC1 – Appropriate use in Employment Areas

Within the safeguarded Employment Areas, and the Employment Allocations (BA10 and RY9), as shown on the Policies Map, planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses provided:

- a) For allocated sites any relevant site-specific criteria are met; and
- b) Any Use Class B8 development is easily accessible from the primary road network.

Planning permission for other uses will be granted as an exception to the above criteria provided they are:

- i. Ancillary to the above uses; ii. Essential to the continued operation of an established premises;
- iii. Would bring comparable benefits to office, research and development, industrial processes, industrial and storage and distribution uses in the same location; or
- iv. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.

Conditions and legal agreements will be used to limit uses to ensure that development meets, and will continue to meet, identified employment needs

Policy ETC2 - Employment development outside Employment Areas and Employment Allocations BA10 and RY9

Planning permission for employment uses outside of allocated Employment Areas and Employment Allocations BA10 and RY9 will be granted provided that:

- a) The proposal is: i. within a defined settlement boundary or the built core of a Category B village; or
- ii. for small scale offices or other small employment development; and
- iii. is appropriate to the location in terms of size, scale, function, catchment area and / or historic and architectural character; and
- b) There would be no significant adverse impacts on living conditions. The Council will only permit the loss of existing employment uses on unallocated sites, where it can be demonstrated that:
 - i. the land or premises is no longer required to meet future employment needs of either the local community or the district, demonstrated through evidence of at least twelve months of active marketing; ii. the existing use has a significant adverse impact on the amenities of surrounding land uses; or
 - iii. the existing use is detrimental to highway safety.



Policy T1 – Assessment of Transport Matters

Planning permission will be granted provided that:

- a) Development would not lead to highway safety problems or cause unacceptable impacts upon the highway network;
- b) Mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7;
- c) Suitable Transport Statements, Transport Assessments and / or Travel Plans along with supporting documents are provided where required; and
- d) For major developments, applicants demonstrate (as far as is practicable) how:
 - i. the proposed scheme would be served by public transport;
 - ii. safe, direct and convenient routes for pedestrians and cyclists will be provided; and
 - iii. comprehensive integration into the existing pedestrian and cycle, public transport and road networks will be secured.

Policy T2- Parking

Planning permission will be granted provided that:

Parking for non-residential development is provided having regard to the standards for non-residential development set out in the relevant Supplementary Planning Document;

Proposals have regard to relevant Supplementary Planning Documents, strategies, or advice and;

Applicants clearly identify how they provide for all types of parking demand and demonstrate that parking will be safe and of a design and layout that will function satisfactorily.

Variations from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and on-street conditions justify such variations.

Policy D1 – Sustainable Design

Planning permission will be granted provided that development proposals:

- a) Respond positively to the site's local context;
- b) Take all reasonable opportunities, consistent with the nature and scale of the scheme, to:
 - i. create or enhance public realm;
 - ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS);
 - iii. reduce energy consumption and waste;
 - iv. retain existing vegetation and propose appropriate new planting;
 - v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas;



- vi. future proof for changes in technology and lifestyle;
- vii. design-out opportunities for crime and anti-social behaviour; and
- viii. minimise the visual impact of street furniture and parking provision;

c) Have regard to the Design SPD, and any other relevant guidance;

d) Within Letchworth Garden City have regard to the Letchworth Garden City Design Principles contained in Appendix 5; and

e) For residential schemes, meet or exceed the nationally described space standards and optional water efficiency standards.

Policy NE2 – Landscape

Planning permission will be granted for development proposals that:

a) Respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management;

b) Do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this;

c) Are designed and located to ensure the health and future retention of important landscape features; and

d) Have considered the long-term management and maintenance of any existing and proposed landscaping.

Policy NE4 – Biodiversity and Geological sites

Planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12.

All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible. Applicants should, having regard to the status of any affected site(s) or feature(s):

a) Submit an ecological survey that is commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of the site;

b) Demonstrate that adverse effects can be avoided and / or satisfactorily minimised having



regard to the hierarchy of protection below:

- i. locating on an alternative site with a less harmful impact;
- ii. providing adequate mitigation measures; or
- iii. as a last resort compensated for.

The acceptability of approach(es) to avoidance, mitigation and compensation will be commensurate with the status of the asset(s) likely to be affected by the application; Compensation is unlikely to be an appropriate solution for proposals affecting nationally or internationally designated sites other than in the most exceptional circumstances.

c) Include appropriate measures to manage construction impacts by demonstrating how existing wildlife habitats supporting protected or priority species will be retained, safeguarded and managed during construction;

d) Integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows. It may be necessary to exceed this distance for fragile habitats such as ancient woodland or to provide appropriate root protection for mature trees; and

e) Provide a long-term management and monitoring plan including mitigation measures as necessary.

Local Geological Sites are ratified by the Herts & Middlesex Wildlife Trust (HMWT) and are afforded the same protection as Local Wildlife Sites.

Policy NE7 – Reducing Flood Risk

Planning permission for development proposals will be granted provided that (as applicable):

a) Development is located outside of medium and high-risk flood areas (flood zone 2 and 3) and other areas affected by other sources of flooding where possible;

b) Where (a) is not possible, application of the sequential and exception tests is demonstrated where development is proposed in areas of flood risk using the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood maps;

c) A FRA has been prepared in accordance with national guidance that considers the lifetime of the development, climate change impacts and safe access and egress;



- d) It will be located, designed and laid out to ensure the risk of flooding is reduced whilst not increasing flood risk elsewhere;
- e) The impact of any residual flood risk will be minimised through flood resistant, resilient design and construction;
- f) Any flood protection and mitigation measures necessary will not cause harm to nature conservation, heritage assets, and/ or landscape and recreation and, where possible, will have a positive impact in these respects; and
- g) Overland flow routes and functional floodplain areas are protected from all development other than that which is “water compatible” and this must be designed and constructed to remain operational and safe for users during flood events, resulting in no net loss of flood plain storage and not impeding water flows or increasing flood risk elsewhere.

Policy NE8 – Sustainable Drainage System

Planning permission for development will be granted provided that:

- a) The most appropriate sustainable drainage solution is used taking into account technical, viability and design issues to reduce the risk of surface water flooding, enhance biodiversity, water quality and provide amenity benefits;
- b) It aims to mimic the natural drainage patterns and processes as far as possible; and
- c) Drainage solutions follow the SuDS hierarchy.



Knebworth Neighbourhood Plan

Policy KBLE 1 – New Business

Proposals for new or expanded commercial space outside the Green Belt will be supported subject to development respecting local character, residential amenity and highway safety.

Policy KBLE2 - Rural Businesses

Proposals for the conversion, expansion or change of use of rural buildings for business and tourism will be supported where they are well designed and proportionate to existing buildings, and respect local character, residential amenity, and highway safety.

Policy KBBE 2 – Sustainable Buildings

Construction methods that engage low energy principles, including modular building that respects local character: the utilisation of simple design solutions such as orientation of buildings to optimise solar gain, with the aim of transitioning towards zero carbon energy usage; domestic scale (micro) energy generation from renewable or low carbon sources; and providing for rain water harvesting and grey water recycling, will be supported.

Policy KBBE 4 – Design

All development must demonstrate good design. Development must respect local character, which includes Knebworth's Garden Village context. New housing development should incorporate sensitively designed car parking, bin storage, cycle storage and electric charging for bicycles and motor vehicles.

Policy KBEF 1 – Biodiversity

Development should minimise impacts on and provide net gains for biodiversity.

Major development should:

- a. Wherever possible, retain existing trees, hedgerows and green road borders to minimise disruption to wildlife
- b. Preserve existing and propose new wildlife corridors and habitats
- c. Reduce or eliminate gaps in existing corridors by diverse planting
- d. Create new corridors within developments to reduce built mass, enhance wildlife diversity and to increase surface water retention. Some should connect with new small, wooded areas.

Policy KBEF3 Flooding and Drainage

Development should not result in a net increase in surface water run-off and should seek to reduce surface run-off.



Supplementary Planning Documents

Planning Obligations SPD

The Planning Obligations SPD outlines the overarching approach to planning obligations and aligns these to the Councils priorities and objectives.

The PSD sets out it's main aims as stated below:

"Set out the requirements for planning obligations to ensure that the additional demands upon infrastructure, services and facilities arising from new development are provided for and are put in place at the right time;

Meet the relevant sustainability objectives contained within the Sustainability Appraisal to ensure that existing communities are not significantly harmed as a result of new development and prevention, compensation or mitigation measures are secured where it is necessary to protect or enhance the natural, built and historic environment;

Ensure the Council provides a more consistent, transparent, practical and streamlined approach to the negotiations of planning obligations in accordance with Circular 05/2005: Planning Obligations; and

Contribute towards achieving the District's vision and the Council's mission and strategic objectives as set out in the Corporate Plan (2005 – 2015) (see paragraph 2.7.9)"

Sustainability SPD

The newly adopted sustainability SPD sets out the North Herts priority to create sustainable communities. The SPD looks to achieve sustainable development through prioritising the provision of high-quality sustainable design, appropriate location for development, active travel opportunities and enhancing the natural environment. The SPD reflects on national and international climate agendas and aims to align North Herts to these.



5 Statement of Case

A formal decision notice for the application was issued on the 11th March 2025 based on five reasons for refusal, as set out below:

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. The development amounts to an intensification of the use of the site for industrial purposes, including Class B8 warehousing, which generates an increase in vehicular traffic, including Heavy Goods Vehicles, in an inappropriate rural location for the use and in a location which lacks accessibility by sustainable means of transport. The means of access to the site along Three Houses Lane is unsuitable for the amount and type of goods vehicles associated with the site and the conflict of this traffic with other roads users including pedestrians and cyclists is likely to give rise to conditions detrimental to highway safety. The development is therefore contrary to the National Planning Policy Framework (NPPF) 2024, Hertfordshire's Local Transport Plan (LTP4) 2018 and Hertfordshire's Place & Movement Planning and Design Guide (2024). The development is also contrary to the provisions of Policy T1 and SP6 of the North Herts Local Plan 2011 - 2031.

3. The development, by reason of the general intensification and industrial use of the site together with the increase in built form and associated heavy goods vehicular movement, outdoor storage, parking, fencing, and general paraphernalia, 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, D1 and NE2 of the North Herts Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.



4. The use of the site for industrial purposes, particularly in terms of the floorspace involved together with its rural location results in environmental harm that cannot be suitably mitigated against. The use fails to meet the environmental objective required to achieve sustainable development and therefore the use is contrary to the provisions of SP1 of the Local Plan and Section 2 of the National Planning Policy Framework 2024.

*5. The submitted planning application is not supported by a sufficient assessment of the impact of the development on the wildlife -rich habitats and wider ecological networks of the site and its immediate surroundings and in particular the impact of the development on the Church Wood and Crouch Green Woods Local Wildlife Sites. The development therefore fails to protect and enhance the biodiversity of the site
contrary to the provisions of Policy SP 12 and NE4 of the Local Plan and Section 15 of the National Planning Policy Framework*

Taking each of the five reasons for refusal in turn, the following discussion will consider pertinent matters relating to each.

The first reason for refusal states that:

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

The first reason for refusal relates to the demonstration of meeting the grey belt criteria or demonstrating very special circumstances for development in the green belt.

It is of our view that the application site is located within the Grey Belt and meets the relevant



criteria for Grey Belt qualification as set out in paragraph 155 of the NPPF (2024). Within 4.3.11 of the Case Officers report it is stated "*However, the authorised and last use of the land is for agricultural purposes land and the Annex in the NPPF specifically excludes 'land that is or was last occupied by agricultural or forestry buildings' as being considered previously developed land and therefore the site cannot be considered 'Grey Belt' land.*"

Being previously developed is not the only criteria for being grey belt. The glossary of the framework states:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined 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.

We emphasise that it states that land can also be considered if it does not strongly contribute to purposes a, b and d.

These purposes are:

- a) to check the unrestricted sprawl of large built-up areas.
- b) to prevent neighbouring towns merging into one another.
- d) to preserve the setting and special character of historic towns.

With regard to the appeal site, it is quite clear it does not strongly contribute to these reasons, especially as the site is not located in a town or a large built area. In addition, the Case Officer notes in paragraph 4.3.17 of their report that the site makes only a moderate contribution the Green Belt purposes. On this basis the site is a Grey Belt site.

Turning to paragraph 155 (b), a demonstrable unmet need for the development proposed is necessary to make it appropriate development. The below map demonstrates all the available sites in the area from Estates Gazette. There is only one currently available site, which is a two-storey building which not be appropriate for the applicant due to the nature of storage of metal on site, which cannot be manoeuvred upstairs.



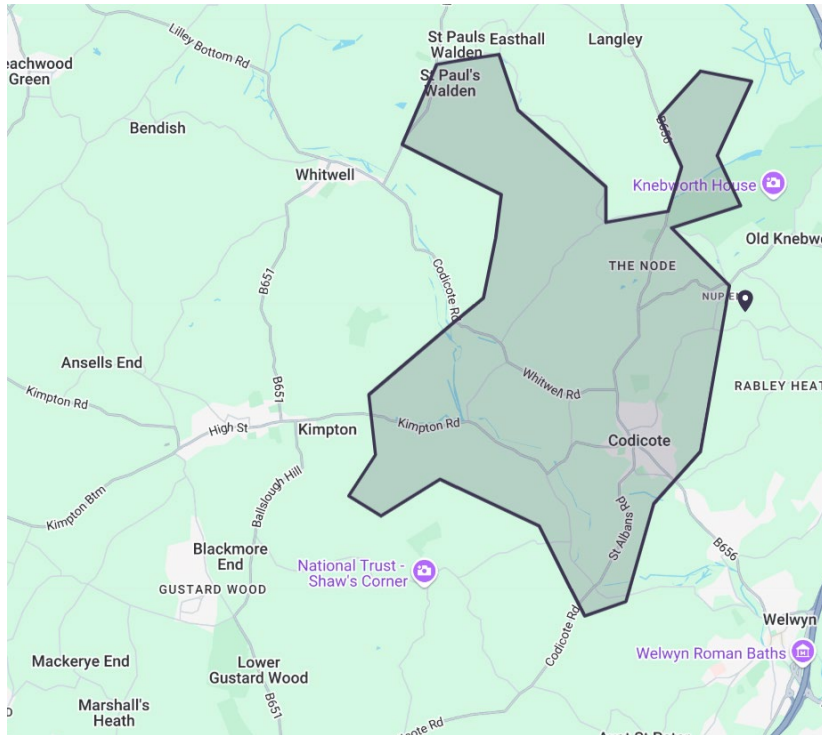


Figure 11: Extract showing available appropriate B8 storage sites.

The Employment Land review that supports the North Herts Local Plan is dated 2013 – and is now out of date. Paragraph 4.37 of the Local Plan states that:

Beyond our main towns, there is a steady demand for rural employment land and premises. Owing to the size and extensive spread of rural settlements these types of development are best dealt with on a case-by-case basis rather than through allocations, although our general approach will be to direct concentrations of rural business to the larger villages. There are quite sizeable employment sites in villages such as Ashwell, Codicote, Kimpton, Little Wymondley and Weston which provide rural jobs and should be retained.

Within the district there is an unmet need for commercial space. The North Herts Council's Economic Development Team or Hertfordshire Futures were not consulted on the need for such commercial space. In our view their consultation would have been crucial to establishing the need across the district to accurately inform decision making for this application.

With respect to 155 (c) – sustainable location, this will be addressed when reason for refusal number two is discussed.

Finally, 155 (d) golden rules – don't apply as the application is not residential.

The Case Officer suggests in the Committee Supplementary Planning Document that

"The site may be potentially considered as Grey Belt as the development is on land that does not strongly contribute to any of the purposes a), b) and d) in paragraph 143 of the NPPF. That



said, officers consider that there is no demonstrable unmet need for B8 development in the district (as B8 allocations are made in the Local Plan, particularly at Baldock site BA10) and the development is not in a sustainable location. As the development does not comply with all the criteria set out under paragraph 155 of the NPPF the site is inappropriate development in the Green Belt. Therefore, officers remain of the view that the development is harmful to the Green Belt by reason of inappropriateness, where development should not be approved except in very special circumstances.”

As the Case Officer continues to assess the scheme under the Green Belt policies, we contest their opinion that the application fails to meet these. The Criteria from paragraph 155 of the NPPF is set out below where we have responded to each part:

Part a – It is clear the proposal on site would utilise grey belt land and would not fundamentally undermine the purpose of the Green Belt across the plan area of North Herts.

Part b – Despite the Council failing to consult both the Hertfordshire Futures team and the North Herts Council’s Economic Team, it is evident from information provided that there is a clear need for appropriate B8 storage and distribution sites around the district. As previously mentioned, alternative sites identified were not appropriate for our client due to the two-storey nature of the buildings. Further clarity of the need within the borough would have been further established if the correct consultation requests were issued.

Part c – It is acknowledged the application site has some limitations in regard to sustainability. Taking into account paragraphs 110 and 115 of the NPPF we emphasise the considerable contributions towards improving the overall sustainability of this site that the applicant has been prepared to put forward. The improvement of cycle parking, reduced vehicle movements and restricted vehicle operational hours as well as the provision to install passing bays makes valuable contributions to the improvement of the site sustainability. Active travel has been considered and prioritised within the proposals through the provision of cycle storage and parking on site. As previously noted by the Case Officer within his delegated report, pedestrians and cyclists use Three Houses Lane which also highlights the walk and cyclability to the site. We further emphasise that paragraph 89 of the NPPF sets out the need for planning policies and decisions to meet local business needs in areas that are not well served by public transport when efforts are made to ensure opportunities are taken to enhance sustainability on site. Paragraph 89 of the NPPF also continues to promote the use of previously developed land.

Part d – The Golden rules would not apply to this proposal.

It is of our view that the proposal satisfies the requirements of Grey Belt and Green Belt criteria which subsequently compliments the provisions of section 13 of the NPPF and Policy S5 of the North Herts Local Plan. The development is considered appropriate in line with the framework.



The second reason for refusal states:

2. The development amounts to an intensification of the use of the site for industrial purposes, including Class B8 warehousing, which generates an increase in vehicular traffic, including Heavy Goods Vehicles, in an inappropriate rural location for the use and in a location which lacks accessibility by sustainable means of transport. The means of access to the site along Three Houses Lane is unsuitable for the amount and type of goods vehicles associated with the site and the conflict of this traffic with other roads users including pedestrians and cyclists is likely to give rise to conditions detrimental to highway safety. The development is therefore contrary to the National Planning Policy Framework (NPPF) 2024, Hertfordshire's Local Transport Plan (LTP4) 2018 and Hertfordshire's Place & Movement Planning and Design Guide (2024). The development is also contrary to the provisions of Policy T1 and SP6 of the North Herts Local Plan 2011 - 2031.

The second reason for refusal relates to the highways and transport matters on the site.

In accompaniment of the submission of application 24/02343/FP a transport statement was submitted commissioned by EAS Transport Planning. Consultee comments received by Highways were responded too with a follow up Transport Statement for the application.

The Transport Assessment concluded that *"The proposals are not expected to cause a perceptible negative impact to the safe and efficient functioning of the local highway."* The Transport Statement sets out limitations on vehicle movements and vehicle size entering the site as well as the option for banksmen on site, which would be secured by condition. A Highways rebuttal is submitted within this appeal submission.

We contest the reason for refusals suggestion that the use would increase vehicular traffic. As set out within the Planning Statement, the current lawful use on site is agricultural, with no limitation on vehicle movements along three houses lane or operational hours. The image below demonstrates large vehicles turning into Three Houses Lane associated with the predominant use along the lane.





Figure 12: example of heavy goods vehicles accessing Three Houses Lane.

The nature of vehicle use associated with agricultural operations include large tractors, trailers, HGVS, and combines harvesters. Some images of commonly used vehicles for agriculture operations on site have been set out below for context.



Figure 13: example of vehicle permitted to access the site and use the local roads under the existing use on site.





Figure 14: example of vehicle permitted to access the site and use the local roads under the existing use on site.



Figure 15: example of vehicle permitted to access the site and use the local roads under the existing use on site.





Figure 16: example of vehicle permitted to access the site and use the local roads under the existing use on site.

The proposed use on site as Use Class B8 proposes a less intense use of the site and associates a lower provision of large and heavy goods vehicles using the site and surrounding road network than what would have occurred under the former agricultural use. As set out within the Transport Statement details of vehicle movements on site have been presented and create a minimal trip generation that is ultimately a decrease in trips generated under the agricultural use on site.

As set out within the submitted transport statement and Planning statement the application proposed to create mitigation measures on site such as having banksmen's, restricted vehicle numbers and restricted hours of operation to maximise transport mitigation measured for the site.

The Applicant has also been willing to contribute to wider highway improvements such as creating vehicle passing bays along Three Houses Lane where appropriate. We emphasise that the vehicles entering Three Houses Lane from the B656 would only travel approximately 400 metres along this stretch of road.

Precedent of vehicles of this nature utilising Three houses Lane is further established by the surrounding agricultural and equestrian uses of the neighbouring properties who often use Three Houses Lane for agricultural and equestrian movements which involve the use of large HGV vehicles.

Whilst we acknowledge Three Houses Lane is not the most appropriate for pedestrians or cyclist



the application has taken the appropriate measures to encourage sustainable transport such as cycling through the provision of cycle storage facilities on site. The cycle and car parking on site is policy compliant. We emphasise that there is limited appropriate action the applicant can take to enhance the sustainability of the site due to the nature of its location and surrounding infrastructure, this aligns with the aims within paragraphs 110 and 115 of the NPPF.

Paragraph 89 of the NPPF states that:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”

It is of our opinion that the applicant has sought to enhance the sustainability on site as discussed and is maximising the use of previously developed land. It is of our opinion that the proposal is sensitive to its surroundings and as the transport statement also concludes, does not have an unacceptable impact on the local roads.

The third reason for refusal sets out that:

3. The development, by reason of the general intensification and industrial use of the site together with the increase in built form and associated heavy goods vehicular movement, outdoor storage, parking, fencing, and general paraphernalia, 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, D1 and NE2 of the North Herts Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.

Policy SP9, D1 and NE2 of the North Herts Local Plan all relate to design and landscape. It is of our opinion that it is unclear what the relevance of heavy good vehicle movements has in relation to the design and landscape policies referred to as well as the context of the reason for refusal around the built form. It can be interpreted that the Case Officer infers the nature of heavy goods vehicles harms the character of the area however we contest this as above where it is evident the character of heavy goods vehicle movements is highly precedent for the application site and surrounding area with the dominant agricultural and equine use of the locality.



The officer reports states that:

“Policy SP9 states that the Council will support new development where it is well designed and located and responds positively to its local context. Policy D1 also states that permission will be granted for development which responds positively to the site’s local context.”

As set out within the Planning Statement the extensions and lean-to structures have been erected to match the host barns on site. The additions have been designed to be sympathetic and complementary to the wider site and form modest and in-keeping additions on site.

The surrounding equestrian, commercial and agricultural structures on surrounding properties are of a similar style to that located on the application site. As set out in the figure below, the Barn is in keeping with the surrounding locality.

We emphasise that agricultural buildings can be extended under Permitted Development rights (Class B).



Figure 17: Aerial image of the application site showing Barn design.





Figure 18: Aerial image of surrounding agricultural barns showing barn design precedent.



Figure 19: Aerial image of surrounding agricultural barns showing barn design precedent.

As demonstrated in the images above, the extensions and built form on the site match and complement surrounding buildings completely. In addition to this, within the delegated report for application 22/01891/FP that Case Officer states that:



“Visibility from general public views would be very limited due to the site being set back from the public highway and substantially obscured by surrounding woodland.”

Images of the site from Three Houses Lane maintain the fact that the site has very limited visibility from the public highway due to the wooded area obscuring views into the site.

The built form on site has been constructed in compliment to Local Plan Policy Sp9, D1 and NE2 and it is our opinion that the new development is well designed and located and responds positively to its local context.

The additions on site further align with the aims of chapter 12 of the NPPF and Policy KBBE4 of the Knebworth Neighbourhood Plan, which requires development to be well-designed and respect local character.

The fourth reason for refusal sets out that:

4. The use of the site for industrial purposes, particularly in terms of the floorspace involved together with its rural location results in environmental harm that cannot be suitably mitigated against. The use fails to meet the environmental objective required to achieve sustainable development and therefore the use is contrary to the provisions of SP1 of the Local Plan and Section 2 of the National Planning Policy Framework 2024.

As part of the planning submission, a PEA was conducted along with a BNG assessment. Consultees required updates to this information which we were in the process of undertaking. We were not given time to complete these and respond to the comments. The completed updated information has been enclosed within this appeal submission.

The Preliminary Ecological Appraisal sets out that there are no baseline habitats of ecological importance, and the limited nature of the works on site has not resulted in the loss of any habitats of ecological value.

The proposal complies to Policy NE4 of the North Herts Local Plan and aligns with the aims and objectives of this Local Plan Policy. The applicant is committed to long-term landscape improvements to the site and is happy to agree to ecological improvements on the site, especially in the woodland, where there are ample opportunities.



The fifth reason for refusal states:

5. The submitted planning application is not supported by a sufficient assessment of the impact of the development on the wildlife -rich habitats and wider ecological networks of the site and its immediate surroundings and in particular the impact of the development on the Church Wood and Crouch Green Woods Local Wildlife Sites. The development therefore fails to protect and enhance the biodiversity of the site contrary to the provisions of Policy SP 12 and NE4 of the Local Plan and Section 15 of the National Planning Policy Framework

The application was originally submitted in accompaniment of a Preliminary Ecological Assessment. Following the ecology consultee comments updates were requested to this ecological information submitted. Our client has instructed for this information to be updated and another Preliminary Ecological Assessment to be undertaken on site. Despite informing the Council of this, the application was taken to committee before this information could be submitted and reviewed.

The applicant is committed to making the necessary provision on site to enhance and improve biodiversity. As we approach the spring season, planting has already begun to enhance biodiversity features on site, and this is set to continue across the summer period.

The Ecology assessment undertaken on site concluded that the retrospective works on site had limited impact on the existing ecology. The report suggested there were no baseline habitats of ecological importance, and the barns had no evidence for bat roosting. The ecology statement set out recommendations for ecological enhancements on site such as the provision for bird and bat boxes.

An ecological rebuttal has been submitted with this appeal submission.

It is of our view that the proposal complied to policies SP12 and NE4 of the Local Plan.



6 Conclusion

Warner Planning submits this Appeal Statement of case against North Herts Council for the refusal of application 24/02343/FUL on behalf of the applicant D&A Architectural and Structural.

The Application was given the description of:

“Change of use of existing site from agricultural to use Class B8 (Storage and Distribution). Extensions and alterations to existing barns; erection of detached temporary structure of three years and supporting substation and concrete base. Installation of hardstanding for outside storage and parking and installation of electric front entrance gates. Drainage pond and associated outfall pipe, alterations to surface access track (Development has commenced).”

The Planning Application (24/02343/FP) was submitted to the Council on the 23rd of December 2024 and was subsequently made valid. The application was given a determination date of the 24th March 2025 and was taken to committee on the 6th March 2025 with the recommendation for refusal.

The application was refused on the 11th March 2025 based on five reasons for refusal, as set out below:

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. The development amounts to an intensification of the use of the site for industrial purposes, including Class B8 warehousing, which generates an increase in vehicular traffic, including Heavy Goods Vehicles, in an inappropriate rural location for the use and in a location which lacks accessibility by sustainable means of transport. The means of access to the site along Three Houses Lane is unsuitable for the amount and type of



goods vehicles associated with the site and the conflict of this traffic with other roads users including pedestrians and cyclists is likely to give rise to conditions detrimental to highway safety. The development is therefore contrary to the National Planning Policy Framework (NPPF) 2024, Hertfordshire's Local Transport Plan (LTP4) 2018 and Hertfordshire's Place & Movement Planning and Design Guide (2024). The development is also contrary to the provisions of Policy T1 and SP6 of the North Herts Local Plan 2011 - 2031.

3. The development, by reason of the general intensification and industrial use of the site together with the increase in built form and associated heavy goods vehicular movement, outdoor storage, parking, fencing, and general paraphernalia, 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, D1 and NE2 of the North Herts Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.

4. The use of the site for industrial purposes, particularly in terms of the floorspace involved together with its rural location results in environmental harm that cannot be suitably mitigated against. The use fails to meet the environmental objective required to achieve sustainable development and therefore the use is contrary to the provisions of SP1 of the Local Plan and Section 2 of the National Planning Policy Framework 2024.

5. The submitted planning application is not supported by a sufficient assessment of the impact of the development on the wildlife -rich habitats and wider ecological networks of the site and its immediate surroundings and in particular the impact of the development on the Church Wood and Crouch Green Woods Local Wildlife Sites. The development therefore fails to protect and enhance the biodiversity of the site contrary to the provisions of Policy SP 12 and NE4 of the Local Plan and Section 15 of the National Planning Policy Framework

It is contended that the application satisfies both the criteria of Grey Belt and the exemption criteria for Green Belt under paragraph 154 of the NPPF. We emphasise the rural nature of the application site and associated business operations on site which in accordance with paragraph 89 of the NPPF should be accepted due to the sustainability improvements proposed on site despite not being located in the most sustainable location because of the rural nature of the site.



It is considered that there are compelling grounds to support the proposed development, including:

- The reuse of existing built form within the Grey Belt
- Effective use of previously developed land, avoiding erosion into the Green Belt and countryside.
- The limited development which results in retention of the openness of the Green Belt
- Continued relationship with the setting and appearance of Three Houses Lane
- A development that adheres to and complements local and national policy
- The implementation of supporting infrastructure for the site and locality
- The reduction in large and heavy goods vehicles along Three Houses Lane compared to the potential baseline.
- The retention and re-use of the existing access point to the site
- The retention of the existing built form and it is in keeping with the local character
- Continuation of farm diversification to support the rural economy. Especially when considered in the context of the potential Class R fallback.
- Ongoing investment into a rural-based economy benefiting the local community.
- The opportunity to improve the local highway network.
- Occupation of the building is low-impact activity limiting disruption in the countryside through noise and disturbance.
- Provision of employment opportunities through associated activities.

For reasons outlined within this statement, the development is sustainable, and no significant harm has been identified in respect of the impact on the character and appearance of the area, landscape, ecology, biodiversity and highways. We emphasise the important contribution to this proposal would make to improving the highway network around the site. It is evident the benefits of the development comply with the NPPF and North Herts Local Plan.

The project team would be happy to arrange a site visit at the appropriate time for the inspector to view the site.

For reasons given in this Statement of Case, we respectfully request that the appeal be allowed.

