



Appeal Decision

Site visit made on 27 October 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/X1925/W/25/3370125

Friends Green Farm, Friends Green, Damask Green Road, Weston, Hertfordshire SG4 7BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Luke Papworth against the decision of North Hertfordshire District Council.
 - The application Ref is 25/00926/FP.
 - The development proposed is use of building as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing. Alterations to fenestration to building 1 and retention of southern vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for use of building as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing, alterations to fenestration to building 1 and retention of southern vehicular access at Friends Green Farm, Friends Green, Damask Green Road, Weston, Hertfordshire SG4 7BU. The permission is granted in accordance with the terms of the application Ref 25/00926/FP, dated 22 April 2025, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. The original description of development is amended so that changes to fenestration to building 2 now refers to building 1, in accordance with what is shown on the submitted plans.
3. The use for car sales and servicing is currently permitted by an extant two year temporary permission, but this is subject to a condition requiring closing up of the southern access, which is unlawful as it was implemented without planning permission¹. The current proposal seeks the continuation of the existing use with retention of the southern access.
4. The Council indicates that it has served an Enforcement Notice with regard to the southern access² and that this is the subject of a current, undecided appeal³. While I note this, the appeal before me involves a separate application for planning permission, which I have considered on its individual merits.

¹ Ref 23/01259/FP.

² Ref 22/00062/1ENF.

³ APP/X1925/C/25/3372597.

Main Issue

5. The main issue is the effect of the southern vehicular access that has been constructed on highway safety.

Reasons

6. The appeal site is within a rural setting to the south of Friends Green Farmhouse and adjacent barns, all of which are Grade II listed buildings. The site includes two buildings, which accommodate the use for car sales and servicing with an internal roadway running between them and a parking area to the north of the site. The site is served by two accesses from Damask Green Road. The one to the north provides access to the car park, while the southern one provides access via the internal roadway to the two buildings. The appeal site is within the Green Belt.
7. The Highway Authority (HA) maintains that it cannot support a second vehicular access serving a single development on highway safety grounds, in particular to limit any adverse impact of additional conflict points and due to the substandard visibility from the southern access.
8. The appellant's business relates to high-end car sales and servicing, which will generate a limited number of vehicle movements in terms of customers and deliveries. The level of use will not alter between the permitted temporary use and the appeal proposal. The principal issue, therefore, is whether there are any differences between the permitted use and current proposal that have a bearing on the matters raised by the HA regarding the effects of use of the southern access.
9. The main point in this regard is that the appellant proposes to operate a one-way traffic flow, with entry to the site from the southern access and egress from the northern one. This will be facilitated by appropriate signage and automated gates with sensors triggering opening only for vehicles travelling in the correct direction. On this basis, vehicles would not leave the site via the southern access, which would overcome concerns about visibility, while the in/out arrangement combined with the relatively low level of usage would avoid possible vehicle conflict on Damask Green Road.
10. I note the HA's comment that the proposed one-way system is unenforceable and unsafe. However, on the basis of the evidence taken as a whole and the site inspection, I consider that for the reasons given above the proposed approach would overcome the concerns previously raised about the use of the southern access.
11. The National Planning Policy Framework (the Framework) indicates that authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are necessary, relevant, enforceable, precise and reasonable in all other respects⁴. In the circumstances of this case, a condition to require implementation and use of the one-way system, the details of which are included in the appeal submissions, would make the development acceptable and would meet the requisite tests. Whether or not the system is implemented and in use in accordance with the condition would be readily apparent, addressing concerns about compliance and enforceability.

⁴ Paragraphs 56 and 57.

12. I accept the related concern that were the site to be passed to another operator for the same use, this could generate significantly more trips resulting in possible adverse implications for highway safety. I acknowledge also that the Council would not support a general car sales and servicing use in this rural location in the Green Belt.
13. To address these concerns a condition was initially considered with regard to the extant permission to make it personal to the applicant, although this was not possible as the application was made in the company's name. The current application is made in the appellant's name and, therefore, it is possible to make the permission personal through the use of an appropriately worded condition, as previously suggested.
14. I have had regard to the Council's contention that a planning obligation would be preferable, because the applicant might apply successfully to remove or vary a condition. However, any such future application would need to be determined by the Council in accordance with circumstances and policies pertaining at the time. Current concern about such proposals coming forward is not sufficient reason to set aside the general principle in the Framework that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition⁵. Moreover, I am mindful with regard to the alternative suggestion for a further temporary five year permission of the Planning Practice Guidance, which indicates that it will rarely be justifiable to grant a second temporary permission⁶. I note that the appellant accepts that a personal permission would be appropriate.
15. The extant temporary permission includes a requirement to close the southern access at the end of the permitted period. The same principle should apply in this case, to ensure that once the use associated with the personal permission has ended there is no uncontrolled use of the southern access in relation to any subsequent use of the site.
16. I have had regard to the representation from Weston Parish Council concerning the extant permission and highway safety. While the full two year period of the extant permission has not expired, the majority of the period has passed with no specific concerns raised concerning the use of the site. I note the approval of 96 properties on Back Lane and likely associated increase in traffic. However, there is no basis to conclude that this will result in material harm with regard to use of the appeal site with the conditions already referred to in place.
17. Therefore, taking these findings as a whole, with the necessary conditions in place the southern vehicular access would not have an unacceptably harmful effect on highway safety. Consequently, the proposal is not contrary to Policy T1 of the North Hertfordshire Local Plan 2011-2031 (2022), which requires that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. It is also not contrary to Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 (2018), which requires safe and suitable access arrangements.

⁵ Paragraph 56.

⁶ *Use of Planning Conditions*, paragraph 014.

Other Matters

18. The appeal site is within the setting of the Grade II listed Friends Green Farmhouse, Farm Buildings and East Barn and Attached Outbuildings. I am, therefore, mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building⁷. In this regard, I agree with the Council's assessment that the proposal would not have a harmful effect on the setting or significance of the listed buildings.

Conclusion and conditions

19. For the reasons given, the appeal should succeed.
20. In addition to the conditions already referred to, it is necessary to include a condition requiring compliance with the approved plans, particularly due to the changes to the fenestration to building 1. Conditions are also necessary, as suggested by the Council, to limit the operational hours of the permitted use and to limit the use itself to what is applied for, in the interest of the amenity of the area.
21. Finally, the Council draws attention to a condition requiring sight lines for the northern access, which was imposed on the extant temporary permission. I note that the Council does not suggest this condition is necessary with regard to the current proposal and based on the appeal submissions and site inspection I concur with this.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The use hereby permitted shall be carried on only by Mr Luke Papworth. When the premises cease to be occupied by Mr Luke Papworth, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed, and the southern access shall be permanently closed.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FGP1-1 (site and location plan) and FGP1-4 (plans and elevations – building 1).
- 3) The use hereby permitted, including the operation of machinery and associated deliveries, shall only take place between the following hours: 08:00 to 17:30 Monday to Friday; 08:00 to 13:00 Saturday; and not at any time on Sundays and Bank/Public Holidays.

⁷ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4) The use hereby permitted shall only be limited to car sales and servicing (Use Class B2/Sui Generis) and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 5) Within three months of the date of this permission, the site access arrangements shown on Appendix B of the submitted *Appeal Transport Statement*, dated July 2025, shall be implemented. The arrangements shall include one-way vehicular movements within the site, with the southern access to be used for entry to the site only and the northern access to be used for egress from the site only. These arrangements shall be in operation for the full duration of the permitted use.

[End of Schedule]