



WARNER

21st May 2025

FAO Sara Burke
The Planning Inspectorate
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Bristol
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Sent by email to: east3@planninginspectorate.gov.uk

Dear Sara,

**RE: APP/X1925/W/25/3363556 – Church Wood, Three Houses Lane, Codicote,
Hertfordshire, SG4 8TB**

Thank you for providing the documentation from the Council in relation to this Appeal. We write this response on behalf of the Appellant, following the submission of the Council's comments to the above-referenced Appeal at Church Wood, Three Houses Lane, Codicote.

The previously submitted appeal statement sets out the key responses to the Council's decision. Noting the inspector's guidance that any final comments should solely be based on the representations enclosed within the letter, the following observations are mindful and will not repeat previous commentary that the inspectorate has already received in previous correspondence.

Response to the Council's Statement of Case

Section 2.0

In section 2.0 of the Council's Statement of Case, they set out the context of the appeal site and surrounding area. In paragraph 2.1 the Council describe the application site as comprising four main buildings. We wish to clarify that the appeal site comprises three main/ permanent buildings along with one temporary structure on site.

Section 4.0

Section 4.0 sets out the analysis of the Appellant's grounds of Appeal. Whilst section and paragraph numbers stop throughout this section, we have taken each heading we wish to comment on in turn.

"The re-use of existing built form within the Grey Belt"

The Council contest that the development is beyond the re use of existing buildings. Whilst we acknowledge the minor extensions to the built form and erection of the temporary structure, we retain the position that the development on site is re using the existing built form. The development and change of use have re utilised the existing built form to serve a more appropriate and efficient use.

We continue to contest the Council's view that the site is not located within the Grey Belt. There is an unmet need for B8 facilities despite the Council's stance on this. The Council's assertion that there is no need for the proposed development lacks credibility, as it is not supported by consultation with the appropriate specialist, the Hertfordshire Economic Development Team. The failure to engage with this key consultee undermines the robustness of the Council's position, as it has not sought or presented expert economic insight into current or future development needs in the area. Without this evidence-based assessment, any claim regarding lack of need for B8 use remains speculative and unsubstantiated. The economic evidence base of the Council is inherently out of date, the economic climate has change significantly in ten years, following Brexit, Covid 19 Pandemic, changes in world politics, and changes in habits with the continued growth of online trading. These changes along with planning changes have led to have shortage of appropriate commercial land in North Hertfordshire – with few alternative sites available.

The North Hertforshoire Economic Strategy – seeks to improve and develop the success of rural businesses.

Paragraph 5.11 of the Local Plan states that: *"The Council will permit appropriate proposals for farm and other land-based diversification schemes that benefit the rural area. The re-use or redevelopment of rural buildings for employment purposes will be subject to Policy CGB4."* The proposal accords with Paragraph 5.11 amd CGB4 of the Local Plan.

"The effective use of previously developed land avoiding erosion into the Green Belt and countryside".

Within the Council's Statement of Case, they suggest the appeal site cannot be classified as previously developed land due to the former permission on site as previously developed land. The NPPF defines Previously developed Land as *"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it,*

including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure, such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

Whilst the Council have taken the view that the site is not considered Previously Developed Land due to the previous agricultural use, we contest this against the fact that since the former agricultural use on site, the Council permitted change of use on the site to residential. This permitted change of use therefore results in the built form on site no longer being solely used for agricultural use and a material change in the functionality of the site and a fundamental acceptance from the Council that the site is no longer an agricultural premises. In addition Class R of the Permitted Development Rights, also allows for the conversion of agricultural sites to B8 uses via permitted development, which demonstrates that the Government are supportive of such uses in the rural area.

"The Limited Development which results in retention of the openness of the Green Belt".

The proposed 35% increase in floorspace and volume represents a modest and proportionate extension to the existing buildings and should be considered acceptable within the context of national and local policy. Under the National Planning Policy Framework (NPPF), paragraph 155(c) allows for 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.

While the NPPF does not define "disproportionate," many local authorities and Planning Inspectors commonly use a 40% increase as a benchmark for assessing whether an extension is disproportionate. In this case, the proposal remains comfortably below that threshold, at only 35%, and therefore can reasonably be considered proportionate in scale. The extensions clearly integrate and assimilate into the existing built form.

"Continues relationship with the setting and appearance of Three Houses Lane".

The Council set out the following points to dispute the assertion that the development continues the relationship with the setting and appearance of Three Houses Lane. Our comments in response are set out below:

Council's Point:

Appellants comment in response:

Extension to buildings that can be seen from the lane

We contest that the extensions to the built form can be seen from Three Houses Lane. The site is well screened, and the setback nature of the buildings means they are not visible from Three Houses Lane.

New building at the front of the site

There is not a new building at the front of the site, this is purely a temporary structure that will be removed after a period of time. The structure provides temporary welfare facilities.

Outdoor storage of equipment and materials

This has been reduced on site. As explained to the Council an unprecedented circumstance meant the site had an influx of unexpected material for a short period of time. The site today has very limited provision of outdoor storage space. A supplier of the Appellant went into administration, and the Appellant received material from the receivers. This has now been sold and despatched to customers.

Widened access road leading to the site

Under the former agricultural use on site these minor adjustments to the access road into the site could have been made under Part 6 Class A of the GDPO where PD rights enable agricultural premises to alter private ways as reasonably necessary for the purposes of agriculture.

Large metal gates across the access road

Whilst we acknowledge the gates have been replaced, metal gated access has always existed on site. Within the Planning statement and Appeal Statement evidence is shown of these gates from the sales listing of the site prior to its purchase and current occupation.

Metal boundary fencing around the site with inappropriate laurel hedging

The fencing was erected due to continuous trespassing on site. Sensitive green mesh fencing was installed.

Drainage pond and associated pipework located at the front of the site

These measures have been taken as general site maintenance to maintain existing drainage provision on site. This has also improved local drainage.

Increase in surface water run off

The submitted Flood Risk Assessment highlights the matter that the development would not produce an increase in surface run off and mitigation measures would not be appropriate in relation to risk.

Damage to ditches along Three Houses Lane from commercial use

The Council have made this assumption on limited grounds to associated perceived damage to the ditches to this appeal site. As previously explained, multiple premises along Three Houses Lane are used for agricultural and equine uses which also facilitate the use of HGVs. There is every possibility that damage to ditches may have been done by unrelated use of HGVs along Three Houses Lane associated with surrounding properties. The Appellant has cleared and upgraded local ditches at their own cost as a gesture of goodwill to neighbours and the Council.

Removal of Trees within Church Wood and Church Green Wood

These trees were removed as general woodland management on site. Trees can be removed at a rate of 5m³ per annual quarter. The woodland had not been managed – and several of the trees had multiple trunks which needed to be addressed to improve the health of the trees and reduce their risk of disease.

Damage to Bluebells in the woods

Some unintentional disturbance to bluebells within the woodland area occurred during routine maintenance and management of the site. No development or formal change of use was carried out in connection with this activity, and the aim was solely to maintain safe and accessible woodland for informal use.

"The implementation of supporting infrastructure for the site and locality"

Whilst the Council state that no Unilateral Undertaking was provided to the Council, we emphasise that the application and communication with the Council was never progressed to this point to be able to secure the Unilateral Undertaking.

Within the planning application, it was set out multiple times that the applicant was happy to enter into agreements with the Council to contribute to improvements in the locality such as create provisions of passing bays. We are happy to agree to a unilateral undertaking or

We contest the Council's statement regarding providing Unilateral Undertakings as the Council were not co-operative in communication to secure these.

"The retention of the existing built form in keeping with the local character".

The Council refer to the "significant" extension of the built form. We emphasise again the increase of only 35% of floor space and volume which sits comfortably below the standard 40% threshold of increase.

The Council continue to insert images of the outdoor storage on site. The photos provided were taken at a time of unprecedented influx of material due to a supplier going into administration. We reiterate that this material has now been cleared from the site and the provision of outdoor storage on site is limited. The appellants have submitted an application on the wider land for the use of the land for equestrian purposes.

"Continuation of farm diversification to support the rural economy. Especially when considered in the context of Class R fallback".

The Council state their position of not accepting that the development meets the caveats of the NPPF paragraph 89.

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.

The Council acknowledge that the NPPF supports a prospering rural economy.

We emphasise that the development is sensitive to its surroundings in regard to design of the built form and operations on site that we retain is less intense than a former agricultural use on site. As supported by the submitted transport statement, the development would not have an adverse impact to local roads and has also put forward opportunities to make the location more sustainable by means of cycle parking provision, EV charging provision and the implementation of passing bays. There are several other active equestrian, agricultural and commercial businesses in the vicinity of the appeal site.

"Opportunity to Improve Local Highway Network"

We contest the Council's stance that the implementation of passing bays is considered unviable. Discussions have not been had with the Highways department or the Council to formally establish this. The Council do not give any credible information as to why they consider the implementation of passing bays to be unviable. There is considerable benefit to the bays.

"Occupation of the building is low-impact activity limiting disruption in the countryside through noise and disturbance".

A noise report was commissioned and submitted with the application. The noise report concluded that no adverse noise impacts were deemed. The Neighbour objections are not credible due to the aggressive and persistent nature of neighbours which has included trespassing on site and numerous other unacceptable actions. We emphasise the nearest neighbouring properties are over a mile away from the site. The built form creates no visual impact to neighbouring properties.

The Council commented on the fact there is no connected electricity to the site. The site has an electrical connection, however, it is seeking a higher voltage connection. The Appellant is also keen to use sustainable energy generation, with the use of solar panels. We emphasise the inclusion of a substation within the application seeks to overcome this matter.

Section 5.0

Section 5.0 of the Council's Statement of Case discusses "the appellants analysis of the reasons for refusal of planning permission".

Paragraphs 5.1 and 5.2 refer to the assessment of Grey Belt upon the site. We continue to contest the Council's view that the site is not located within the Grey Belt. There is an unmet need for B8 facilities despite the Council's stance on this.

Paragraphs 5.3 and 5.4 refer to the perceived need for the B8 use facilities. The Council's assertion that there is no need for the proposed development lacks credibility, as it is not supported by consultation with the appropriate specialist, the Hertfordshire Economic Development Team. The failure to engage with this key consultee undermines the robustness of the Council's position, as it has not sought or presented expert economic insight into current or future development needs in the area. Without this evidence-based assessment, any claim regarding lack of need for B8 use remains speculative and unsubstantiated. As stated earlier the Local Plan evidence base is out of date. Within our appeal statement we have demonstrated a lack of alternative site. The unique steel operation on site creates need for a certain type of facility to be appropriate, namely being single storey as a starting place.

Paragraph 5.13 states that the farm movements on site would not be continuous or consistent. We contest this point and emphasise that there are no restrictions upon the number of movements or size of vehicles operating for agricultural purposes. The appeal statement submitted to the Planning Inspector on behalf of the Appellant demonstrated several commonly associated vehicles with farming use. There are no restrictions to stop 24/7 operation of these vehicles out of the site if desired. The application sought to establish operational hours and limitations on vehicle movements along with several other improvements that the Council did not accept or consider appropriately.

Paragraph 5.23 suggests an increase in surface water from the development on site at Three Houses Lane. We contest this is an unreasonable assumption towards the development as it is commonly known for Three Houses Lane to have surface water on the roads due to the lack maintenance and clearance of drainage ditches. The Appellant has cleared associated drainage ditches to help mitigate a wider issue that is unrelated to the minor development on site at Three Houses Lane. It should also be noted that rainfall had fallen for two days prior to this image being taken within the Council's statement and therefore standing water on a road surface is expected.

Section 7.0

Section 7.0 of the Council's statement of case discusses the proposed conditions in the event that the Appeal is allowed.

On behalf of the Appellant I can confirm we are happy to agree to the proposed conditions.

Conclusion

The Appellant would like to convey that this well-designed, high-quality proposal offers numerous benefits to the immediate and wider locality. The Appellant is appreciative of the opportunity to provide these comments in response to the council and in support of the submitted Appeal.

The Appellant has no further observations in regard to the statement received by the Council. Which have not already been covered by the original statement of case or within these comments. The proposal offers numerous benefits which have been discussed within this letter, the appeal statement and original planning statement. The appeal proposal creates significant economic benefits and jobs that will help the economy of North Hertfordshire – through the reuse of this site, that is no longer appropriate for agriculture.

As such we would implore the Planning Inspectorate to allow this Appeal on the evidence of the information submitted. However, please do not hesitate to contact us if you have any queries or require additional information or points of clarification. We would also be happy to arrange a site inspection of the site for the Inspector.

Yours sincerely,

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