

Statement of Case
of
North Hertfordshire Council

Appeal lodged by Mr Luke Papworth

Planning Inspectorate ref: APP/X1925/W/25/3370125

North Herts Council ref: 25/00926/FP

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

1.0 Introduction and Background to The Appeal

- 1.1 Planning permission was sought by Mr Luke Papworth (the 'Appellant') on 22nd April 2024.
- 1.2 The application under LPA reference: 25/00926/FP was for the following:
"Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing. Alterations to fenestration to building 2 and retention of southern vehicular access".
- 1.3 This application was refused under delegated powers on the 4th July 2025 for the following reason:
- 1. A secondary vehicle access exacerbates existing highway conditions, which are prejudicial to the highway safety of all road users. Specifically, the unauthorised making and use of a substandard build and designed southern vehicle access on the public highway, with unenforceable proposed use of a one-way system is unsafe and unacceptable. The proposed measures relating to the southern access do not alleviate the historic concerns of the Highway Authority. Consequently, the development causes highway safety problems and unacceptable impacts upon the local highway network. Therefore, the development is contrary to Policy T1 of the North Hertfordshire Local Plan, Section 9 of the NPPF, and Hertfordshire County Council's Local Transport Plan (LTP4) for 2018-2031 policies 5(b) and (c) and in the NPPF para's 109, 115, 116 and 117.*
- 1.4 Reason for refusal 1 was recommended by the Hertfordshire Highway Authority (HA) and relates to the retention of the southern access point from the site onto Damask Green Road which was constructed without planning permission. It also relates to the provision of a one-way system which the HA consider is unenforceable, which does not alleviate historic concerns from the HA regarding this southern access point.

2.0 Site and Surroundings

- 2.1 The application site lies on the east side of Damask Green Lane, Weston. The site is to the south of Friends Green Farmhouse, a grade II listed building, and two grade II listed barns forming part of the former farmyard complex. The site is designated as within the Green Belt in the Local Plan. The site contains two single storey buildings, comprising a taller single storey 'barn' type building which lies towards the east of the site, away from Damask Green Road, and a shorter building with a 'U' footprint which lies to the west of the 'barn' type building.
- 2.2 The site is currently served by two existing accesses from Damask Green Lane, one to the north of the site which serves the parking area and one to the south which leads to the access road into the barn buildings. The southern access is unlawful, in that the access was implemented on site without planning permission in consultation with the Highway Authority.

3.0 Relevant Planning Policy

- 3.1 The Development Plan includes the North Hertfordshire Local Plan 2011-2031. The North Hertfordshire Local Plan was adopted in November 2022 and full weight should be given to relevant policies.

- 3.2 The Local Plan policies relevant to those matters in dispute pursuant to this appeal are set out in the following sections of this statement.

Policy SP5: Countryside and Green Belt sets out that development in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated. This is consistent with Section 13 of the National Planning Policy Framework (NPPF) 2024.

Policy D1: Sustainable design sets out that planning permission will be granted provided that development proposals respond positively to the sites local context and all reasonable opportunities, consistent with the nature and scale of the scheme, to create or enhance public realm.

Policy D3 – Protecting living conditions requires that developments proposals do not cause unacceptable harm to living conditions.

Policy HE1 of the Local Plan – Designated Heritage Assets identifies that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they enable the heritage asset to be used in a manner that secures its conservation and preserves its significance, incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy is consistent with paragraph 215 the Framework.

Policy T1 – Assessment of transport matters states that amongst other things development should not lead to highway safety problems or cause unacceptable impacts upon the highway network, and that sustainable transport measures and/or improvement should be secured in a valid legal undertaking.

- 3.3 The December 2024 version of the National Planning Policy Framework ('the NPPF') is relevant to this case and replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023 and December 2023.

Paragraph 10 sets out that to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Section 9: Promoting sustainable transport sets out that for decision making (paragraphs referred to in the reason for refusal by the Highway Authority):

109: Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;
- b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;
- c) understanding and addressing the potential impacts of development on transport networks;
- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

115: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

116: 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.

117: Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.

Section 12: Achieving well-designed places considers that for decision making:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 13: Protecting Green Belt land sets out 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 5 purposes of the Green Belt.

Paragraph 153 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 sets out those instances where development will not be considered inappropriate development in the Green Belt.

Section 16: Conserving and enhancing the historic environment sets out that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 3.4 The Hertfordshire County Council's Local Transport Plan (LTP4) is also relevant. This is the adopted policy document for the Highway Authority which forms part of their formal comments and reason for refusal.

Policy 5: Development Management states that the County Council will to work with development promoters and the district and borough councils to:

- a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand.
- b) Ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the County Council's Highway Design Standards.
- c) Consider the adoption of access roads and internal road layouts where they comply with the appropriate adoption requirements and will offer demonstrable utility to the wider public. Where internal roads are not adopted the County Council will expect suitable private management arrangements to be in place.
- d) Secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe.
- e) Require a travel plan for developments according to the requirements of 'Hertfordshire's Travel Plan Guidance'.
- f) Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.
- g) Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users. This should include other routes which are important for sustainable transport or leisure.

4.0 The case for the Local Planning Authority

4.1 The Officer report for this planning application is largely accurate in respect of the following matters:

- The sites planning history (set out at sections 2.1-2.7, and summarised at section 4.2.3 of the report).
- The impact of the proposal on the relevant designated heritage assets.
- The design and layout of the proposal.
- The impact of the proposal on neighbouring properties.
- The impact of the proposal on highway and access matters.

- Biodiversity related matters.

- 4.2 The Officer report however requires further clarity in respect of the matters relating to the principle of development in the Green Belt, with particular regard to the means of controlling the use of the site. This part of the Council's statement seeks to address these matters.
- 4.3 It is considered crucial to go back to the beginning of the more recent planning history at this site to aid in establishing context. An application at this site was submitted under ref: 23/01259/FP for 'Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing (as amended by details submitted 16th January 2024)'.
- 4.4 The Officer report for application ref: 23/01259/FP sets out that the proposed use of the site for (Sui Generis) car sales and (Use Class B2 general industrial) car servicing did not comply with any of the exception criteria for inappropriate development in the Green Belt under paragraph 154 and 155 of the NPPF 2023 (previous version). This report also found limited conflict with purpose e) of the Green Belt.
- 4.5 However, the report goes on to evaluate the case for Very Special Circumstances submitted by the applicant, which is predicated on the highly niche business model for this proposal which specialises only in Porsches, especially the niche market of the 996 and 997 generation of Porsche 911 cars. The site currently operates as 50/50 split of car sales and servicing. For the sales, it would be by appointment only, and for the servicing it would often be more of projects and refreshes, meaning that cars are left at the site for an average of 2 weeks at a time. Given this niche market of vehicles/customers, as well as their inflated value, it was concluded that the use of the site for car sales/servicing specialising in a niche market of Porsches would generate less trips, movement, and activity within more reasonable hours of operation, compared to the lawful fallback position of the equestrian/livery use. Moreover, the buildings on the site which were permitted for the proposed equestrian/livery use but never used for that purpose, were investigated by the Council's Enforcement Team who considered that it was not expedient to take enforcement action against the buildings in isolation. Therefore, the two buildings at this site, which have been built to a high quality with suitable materials and appear rural in character and appearance, are capable of being used. There were no existing enforcement investigations against the buildings alone and seeing as historic investigations have deemed it not expedient to enforce against, one had to reasonably consider the prospect of these buildings remaining in situ. Further matters relating to details set out in the approved plans for the initial applications refs: 15/02582/1 and subsequently 17/04137/S73 included reference to a garage/workshop, that high end car garages are not uncommon in rural areas, and the potential enforcement of conditions that could be implemented should permission be granted, including hours of operation, outside storage and no signage, were such that the application under ref: 23/01259/FP was recommended to the planning

control committee for approval on the basis that the above matters constituted Very Special Circumstances that clearly outweighed the harm to the Green Belt by reason of inappropriateness and any other harm.

- 4.6 Part of that Officer report, which is consistent with the contents of the Officer report appealed herein, referenced the proposed use of a Personal Condition. Officers considered the possibility of enforcing a Personal Condition, which would limit the use of the site to the applicant and thereby limit anyone else (a more general car sales/servicing business) from operating this use at this site which could lead to an unacceptable level of intensification, but this was deemed unreasonable as the application was submitted under a company name, not the applicants name. Instead, Officers decided that it would be reasonable to enforce a temporary condition for 2 years to allow an assessment of the harm arising from this niche use. The Council had not received any complaints about the use of this site through the Environmental Health Team, so the material harm of this use could be considered over this time period, and the applicant would have to re-apply to continue the use, which is the application being appealed herein. This application was granted by the planning control committee on the 21st March 2024, subject to various measures including the 2-year temporary condition and a condition requiring the removal of the unlawful southern access and its reinstatement to its pre-development state with landscaping.
- 4.7 Since the grant of the 2-year temporary permission, the applicant sought to apply to remove one of the conditions from that decision notice under ref: 24/01434/S73, which related to the closure of the unlawful southern access. This was refused by the Council.
- 4.8 The application which was most recently refused by the Council under ref: 25/00926/FP is the one under consideration of this appeal. At section 4.3.18 – 4.3.19 of the report, Officers continued to refer to the proposed use of the personal condition to try and control the use of the site to the owner, who is seeking to operate a niche business model of high-end Porsches with expected low trip generation. The rationale for this proposal was that this could control the possibility of the applicant selling the site to a less niche/more common car dealership, which would intensify the site to a possibly unacceptable level.
- 4.9 However, since the refusal of planning application ref: 25/00926/FP, Officers have taken further advice on the reasonableness of enforcing the personal condition for this purpose. This has included legal advice. The recommendations of those advisors are that whilst the personal condition was considered to be a means of controlling the use of the site, this could have pitfalls and could leave the Council exposed as to possible intensified uses if the applicant successfully applied to remove or vary this condition in the future.
- 4.10 Therefore, the Council has sought to consider other means of control for the niche use of site and to not result in a greater intensity of use for car sales and servicing.

The Council's locum solicitor has recommended that one such mechanism could be that the applicant enters into a planning obligation with North Herts Council as Local Planning Authority, and Hertfordshire County Council as Highway Authority, to secure and control no greater intensity of use at the site for car sales/servicing.

- 4.11 This will give the LPA greater certainty that control of the use of the site is retained. The applicant will be required to enter into a planning obligation where they sign up to a 5-year constraint, not to intensify the existing use. The planning obligation will provide that after 5 years; a new application is submitted with an updated planning obligation for a further 5 years for the use sought by the applicant. This will give the LPA greater control where a new application was submitted in circumstances where the use has intensified or were to intensity to an unacceptable level.
- 4.12 The planning obligation will need to be signed up to by Mr Luke Papworth (the 'appellant'), Friends Green Porsche Ltd and Homes and Lettings Limited, as they have given this site as their postal address. This is to control the occupiers and possible intensified use.
- 4.13 The personal condition was considered to be a means of controlling the use of the site, but this would leave the Council exposed as to possible intensified use if the applicant successfully applied to remove or vary this condition in the future. The legal advice is that a planning obligation is a more robust means of controlling the use, not least because the applicant cannot (unless the LPA agree) apply against the terms until the initial 5 years has passed, where the LPA could then refuse it should they not be agreeable to the terms of the planning obligation.
- 4.14 The applicant will need to seek their own independent legal advice, and a suitable planning obligation will need to be agreed with the Council.
- 4.15 The above measures are considered to be reasonable as they allow the appellant to continue to operate the use of the site for (Sui Generis) car sales and (Use Class B2 general industrial) car servicing, whilst also ensuring that the site cannot be intensified to an unacceptable level. The Council also note that the matters pertaining to the use of the site do not form part of the reason for refusal, which is the starting point for this planning appeal, but hope the Inspector can still consider the position outlined in this statement.
- 4.16 Notwithstanding the fact that the Council have already granted planning permission for the temporary use of the site for 2 years under application ref: 23/01259/FP, the Council would invite consideration as to whether a further temporary condition could be enforced to retain some control of the use hereby appealed. The Council would be supportive of a 5-year temporary condition to allow further assessment of the niche use, should the Inspector be minded to agree.

- 4.17 In summary, the Council consider that in principle, the niche use of this site for car sales and car servicing is acceptable in the Green Belt, which was the rationale behind application ref: 23/01259/FP and the subsequent implementation of the condition allowing the temporary use of the site for 2 years. This position is consistent with the application appealed herein. However, the Council are concerned about the impact of the use on highway safety grounds where there is not a mechanism for controlling it to a niche use, such that the Council would not support a general car sales and car servicing use in this location. This application is seeking the permanent use of the site for car sales and car servicing and the retention of the southern access through utilising a one way system. The Council have been consistent in their unfavourable position relating to the southern access, in support of the formal correspondence with the County Council's Highway Authority, that the unlawful access is unacceptable in principle and gives rise to highway safety issues, whilst also giving rise to possible intensification of use through having two access points. The highway safety matters will be addressed at section 5.0 of this statement. However, should the applicant or the Inspector consider a way to control the use as sought, then the Council would consider that acceptable notwithstanding the reason for refusal which is solely concerned with the southern access point.

5.0 Reason for refusal – Highways and Access

- 5.1 The reason for refusal for this application is as follows:

"1. A secondary vehicle access exacerbates existing highway conditions, which are prejudicial to the highway safety of all road users. Specifically, the unauthorised making and use of a substandard build and designed southern vehicle access on the public highway, with unenforceable proposed use of a one-way system is unsafe and unacceptable. The proposed measures relating to the southern access do not alleviate the historic concerns of the Highway Authority. Consequently, the development causes highway safety problems and unacceptable impacts upon the local highway network. Therefore, the development is contrary to Policy T1 of the North Hertfordshire Local Plan, Section 9 of the NPPF, and Hertfordshire County Council's Local Transport Plan (LTP4) for 2018-2031 policies 5(b) and (c) and in the NPPF para's 109, 115, 116 and 117."

- 5.2 The Highway Authority (HA) have raised consistent concerns and objections to the southern access point into the site, which was constructed without planning permission. The below provides a summary of the recent planning history at this site in relation to the southern access, which is the matter to which the reason for refusal relates.
- 5.3 Temporary Planning Permission (for 2 years) granted under 23/01259/FP - Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing (as amended by details submitted 16th January 2024). The Highway Authority were consulted, and planning permission was granted subject to conditions, including within 3 months the southern access to be removed (Condition 2) and approved visibility splays at the northern access were implemented (Condition 7). Condition 2 reads as follows:

Within 3 months of the date that planning permission is granted, a plan showing how the existing southern access will be closed and landscaped will be submitted to the Local Planning Authority for approval. The southern access shall be closed and landscaped in accordance with the agreed details within 3 months of written approval.

Reason: The southern access is considered unsafe by the Highway Authority and therefore require its closing, in accordance with T1 of the North Hertfordshire Local Plan 2011-2031.

- 5.4 Another application was submitted under application ref: 24/01434/S73 - Removal of condition 2 of planning permission 23/01259/FP granted 25.03.2024 for Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing (as amended by details submitted 18th September 2024 and 26th November 2024).

This application sought to remove condition 2 of the previous application and therefore retain the southern access. This application was refused on 18/12/2024 based on highway grounds in line with the formal responses of the Highway Authority.

- 5.5 Application ref: 25/00926/FP, the application appealed herein, was submitted to make the temporary use of the site permanent, including retaining the southern access through the utilisation of a one-way system. Planning permission was refused on highway safety grounds as the southern access was considered unjustified for the use of the site and added to the risk of danger for vehicles egressing the site, and that the proposed one-way system was unenforceable and would therefore lead to highway safety issues.

- 5.6 This application was supported with a Transport Technical Note (EAS March 2025) which sought to alleviate the previous concerns raised by the Highway Authority. The Technical Note set out that the proposal sought to alter the vehicular access

arrangements at the site, with the site employing a new one-way access route. It was proposed that all vehicular traffic would enter the site via the unlawful southern access, while vehicles will egress solely using the approved existing lawful access in the north. It was further stated that use of a new southern access point as an 'in' access only alleviates the Highway Authorities' concerns regarding safety and visibility as vehicles are no longer proposed to egress from the access point. Thus, the visibility splays from the site were not required. Details of this system and the relevant plans are set out in Appendix B and C of the Technical Note.

- 5.5 The Highway Authority formally commented on this application on the 16th May 2025, objecting to the proposal. The formal response has been submitted to the Inspector which set out the justification for the HA's position. The Hertfordshire Highway Authority, who are a statutory consultee and the experts on matters relating to highway safety and access, did not consider that the historic objections to this unlawful southern access point could be resolved by the proposed in and out one-way system as set out in the Transport Technical Note. Therefore, they recommended that the application be refused the reason set out in the decision notice.
- 5.6 Moreover, the Local Planning Authority has recently served an Enforcement Notice on the unlawful southern access point from the site under ref: 22/00062/1ENF on the 28th August 2025. This seeks the removal of the southern access and the re-instatement of the area to its pre-development state. The Inspector is asked to note that a valid appeal against the Enforcement Notice is submitted to PINs under APP/X1925/C/25/3372597.
- 5.7 A point of note for the Inspector relates to the imposition of Condition 7 on the original planning permission granted for temporary 2-year period under ref: 23/01259/FP, which sought to allow substandard visibility splays from the lawful northern access on the basis that the proposed niche use would generate less trips and be generally less intense compared to the lawful equestrian use. This condition is not recommended at this stage by the Council and is considered a matter for the Inspector to consider as part of this appeal.

6.0 Recommended conditions should planning permission be granted

6.1 Temporary Conditions:

The use hereby permitted shall be for a limited period of 5 years from the date of this decision. The use hereby permitted is for a period of 5 years. The use shall be discontinued, and the land shall be restored to its former condition on or before the (Sui Generis) car sales and (Use Class B2 general industrial) car servicing use occurred; the removal of vehicles associated with the use and the associated equipment for car sales and car servicing, unless the otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regard to amenity and impact upon the Green Belt in accordance with Policies D3 and SP5 of the North Hertfordshire Local Plan 2011-2031.

6.2 Removal of Southern Access:

Within 3 months of the date of the decision, the southern access point shall be removed and the land reinstated to its condition prior to the occurrence of the breach of planning control; including the removal of the gate, hardstanding, lamp columns and the crossover with Damask Green Road.

Reason: The southern access is considered unsafe by the Highway Authority and therefore require its removal, in accordance with T1 of the North Hertfordshire Local Plan 2011-2031, and to comply with the requirements of the Enforcement Notice in respect of the southern access served on 28th August 2025.

6.3 Hours of Operation:

The use hereby permitted, including the operation of machinery and associated deliveries, shall only take place between the following hours:

8:00 to 17:30 Monday to Friday,

8:00 to 13:00 Saturday

Not at any time on Sundays and Bank/Public Holidays.

Reason: In the interests of amenity in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

6.4 Restriction of Use:

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.

Reason: To control the use of the site in accordance with Policy SP5 of the North Herts Council Hertfordshire Local Plan 2011-2031.