

<u>Location:</u>	Church Wood Three Houses Lane Codicote Hertfordshire
<u>Applicant:</u>	D&A Architectural & Structural
<u>Proposal:</u>	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).
<u>Ref. No:</u>	24/02343/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 24th March 2025

Reason for Referral to Committee: This application is required to be determined by the Planning Control Committee due to the site area of the application site.

1.0 **Relevant Planning Policy**

1.1 **North Hertfordshire Local Plan 2011 – 2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP3: Employment
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP9: Design and Sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy ETC2: Employment development outside of Employment Areas and Employment Allocations BA10 and RY9
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living conditions
Policy D4: Air quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE8: Sustainable drainage systems
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

1.2 National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 6: Building a strong competitive economy
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change
Section 16: Conserving and enhancing the natural environment

1.3 Supplementary Planning Guidance and Documents

- ☐ Design SPD 2011
- ☐ Vehicle Parking at New Developments 2011
- ☐ Sustainability SPD (2024)

1.4 Knebworth Neighbourhood Plan (Made May 2022)

Policy KBLE2: Rural Businesses
Policy KBEF1: Biodiversity
Policy KBT1: Sustainable Modes of Travel
Policy KBEF3: Flooding and Drainage

Appendix G: Church Wood and Crouch Green Wood are noted as Local Wildlife Sites.

2.0 Site History

1/1669/84/(118): Use of land as pet cemetery. Granted

05/01337/1: Detached building for machinery store and workshop (in connection with pet cemetery and pheasant rearing business) Granted 22/11/05. Condition 3 restricted future uses.

14/02866/1AG: Agricultural building for grain storage (for pheasant rearing / shooting business) . Granted as Permitted Development on 1st December 2014

18/01478/AG: Agricultural building for straw storage . Granted as Permitted Development on 19th July 2018

20/000614/PNQ: Prior Approval Notification - Class Q: Conversion of agricultural building into one 3-bed dwelling. Permission refused as not permitted development, 7/05/2020

22/01891/FP: Change of use of existing agricultural barn to one 3-bed dwelling. Granted 28/9/22. This permission has not been implemented

24/01002/FP: Change of use of existing three barns to office and storage space and the erection of supporting substation and concrete base. Withdrawn 09.09.2024

3.0 **Representations**

3.1 **Site Notice and Neighbour consultation**

At the time of writing this report 31 comments have been received with 30 objections and 1 neutral comment. The comments include the following concerns (full details on the Council's web site) :

- ☐ Inappropriate development in the Green Belt / contrary to Green Belt policy
- ☐ Loss of openness
- ☐ Not a sustainable location for development
- ☐ Not a suitable location for HGV traffic / Increased traffic and congestion
- ☐ Danger to other road users including cyclists and pedestrians
- ☐ HGV's degrading the road surface, verge and drainage channels
- ☐ Increase in surface water flooding
- ☐ Not a storage and distribution use but an industrial / manufacturing business
- ☐ Health and safety concerns
- ☐ Adverse impact on the environmental and ecological impact including damage to trees, the woodland TPO and local wildlife site
- ☐ Adverse impact on landscape character and appearance
- ☐ Inaccurate statements and information within the application
- ☐ No additional jobs are being created – the business has relocated from Hemel Hempstead
- ☐ Adverse visual impact
- ☐ Query surface water and foul water drainage arrangements
- ☐ Increased noise and vibration, light and dust pollution
- ☐ May lead to further future development
- ☐ Unauthorised development
- ☐ No biodiversity net gain only a loss
- ☐ Loss of local property value / loss of residential amenity
- ☐ Transport statement cannot be relied upon
- ☐ Application lacks information
- ☐ Concern if permission granted that the whole site would benefit from an industrial use
- ☐ Lack of BNG contrary to Local Plan policies and the NPPF
- ☐ Some of the works undertaken constitute a criminal offence

3.2 **Knebworth Parish Council:**

Formal comments as follows:

'The Parish Council met on Wednesday 12th February 2025 to discuss application 24/02343/FP Church Wood, Three Houses Lane, Codicote, Hertfordshire, and concluded that they objected to this application on grounds of change of use it being on green belt land and the change of use not being appropriate or suitable to the area.

Councillors wished to encourage planning to request HCC Highways Department to continue with enforcement action against this development.'

3.3 **Hertfordshire Highways:**

Initially raised objections due to the lack of information. Further comments will be reported to the meeting.

3.4 Natural England:

Comments as follows:

'Since submission of our response to the above application (24/02343/FP - our ref 498237) we have been alerted to concerns that the Preliminary Ecological Appraisal (PEA) may not have adequately assessed impacts to Church Wood Local Wildlife Site (LWS). Whilst these sites fall outside of our statutory remit, Natural England will not support proposals likely to have an adverse impact on LWSs and/or Priority Habitat, including Ancient Woodland, given the important role these sites and habitats play in supporting the functioning and resilience of the wider ecological network. Our advice is that your authority should ensure that a full ecological appraisal of all proposed works within the full red line boundary of the proposed development has been provided, alongside any details of mitigation measures required to address adverse impacts on the LWS and /or Priority Habitat, in accordance with relevant local and national planning policy. Your authority should make full reference to advice in our previous response with regard to potential impacts on Priority Habitats and Ancient Woodland.'

3.5 Active Travel England:

'In relation to the above planning consultation and on the basis of the information available, Active Travel England is content with the development proposed'

3.6 Woodland Trust:

The Trust provides the following summary of their comments:

'Ancient woodland is an irreplaceable habitat; once lost it is gone forever. As such, it should be protected from any form of development that will result in its loss or deterioration. The Trust objects to this proposal on account of loss and deterioration of potentially unmapped ancient woodlands. There is no wholly exceptional reason for the development in this location and as such, until the status of the woodlands is determined, consideration of the application should be deferred on the grounds that it may not comply with national planning policy'.

3.7 NHDC Environmental Health officer (Air Quality/Contamination/Noise) :

The officer provides the following advice -

'The application is supported by a noise assessment which concerns itself with the impact of noise from the surrounding area impacting on the proposed B8 use. This is not what we would normally expect to see. We would normally look to the noise generated by the commercial source impacting any residential properties or other premises in the vicinity. The residential premises in this case are some distance away (200 metres or more) and the proposal is for B8 use only. The application states that hours of operation are not relevant the proposals and does not involve the carrying out of industrial or commercial activities and processes. This is again reinforced by the information in the noise report. This being said, the only impacts would in all probability be from vehicle movements and given the distances involved the noise would be from vehicles on the highway, which normally sits outside of our remit.

To draw conclusions, therefore, is difficult. However, given the proposals as set out and the location etc I would not raise any objection to the proposals but would perhaps look to restrict the hours of use to day-time only hours to limit the impact of any noise. In the absence of any qualifying information on the exact nature of the use, I think that this is proportionate and prudent.'

3.8 NHDC Ecology officer:

Raises an objection until a full ecological appraisal of the actual works undertaken within the full red line boundary has been provided together with details of mitigation measures that will be required to compensate for damaging practices to the LWS on the basis the application is contrary to policies SP12 and NE4 in the North Herts Local Plan

3.9 Lead Local Flood Authority:

Any comments will be reported at the meeting

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is approximately 5.51 hectares in overall area and is located on the south side of Three Houses Lane. The site is within the Green Belt. The site includes 4 main buildings grouped together and located approximately 80 metres to the south of Three Houses Lane. A vehicular access road serves the site having recently being upgraded and widened.

Crouchgreen Wood and Church Wood flank the buildings on site and extend to the south. The trees within the woods are protected by a provisional Tree Protection Order (TPO 00214). The woodlands are designated as part of a Local Wildlife site.

4.2 Proposal

- 4.2.1 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)

4.3 Key Issues

- 4.3.1 The key issues are as follows:

- ☐ Principle of development
- ☐ Impact on character and appearance of the area
- ☐ Impact on Heritage Assets
- ☐ Ecological issues
- ☐ Highway issues
- ☐ Other Environmental issues (Noise, Flooding, Climate change etc)

4.3.2 Principle of development

4.3.3 Policy SP5 of the Emerging Local Plan states at paragraph c) that the LPA :

‘Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated; ‘

4.3.4 Paragraph 153 of the NPPF states:

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

4.3.5 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate and then sets out several exceptions. The exceptions that may be relevant to consider with this application are as follows:

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;

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

4.3.6 The development, which has largely been implemented on site involves extensions of two of the former agricultural buildings on the site – Unit 1 and Unit 2) . The floorspace calculations are as follows:

Unit	Original floorspace (sq metres)	Extension (sq metres)	New floorspace (sq metres)	Percentage increase
Unit 1	200	83	283	41%
Unit 2	218	223	441	102%
Unit 3	448	0	448	-
Total	866	306	1172	35%

4.3.7 It is considered that the large increases in floor areas to Units 1 and 2 are significant in scale (including doubling the size of Unit 2) and therefore cannot reasonably be considered as not being 'disproportionate additions over and above the size of the original building'. Paragraph 154 c) does not therefore apply to this development. Furthermore, although all of the Units 1, 2 and 3 are being re-used they have been extended and altered including Unit 3 which has external racking added to it. Paragraph 154 h) iv. would not apply to this development either. The extensions and alterations to units 1, 2 & 3 are inappropriate development.

4.3.8 A new 'temporary' building has been erected to the north of Units 1, 2 & 3. This building measures 105 sq metres in area. It is an office building associated with the current unauthorised Class B8 industrial use of the site. It is not a building that meets any of the exceptions set out in paragraph 154. It is therefore inappropriate development.

4.3.9 Taking built floorspace as a whole the footprint of buildings across the site has increased substantially from the authorised agricultural buildings of 866 sqm to the current 1276 sq metres – an increase of **47%**.

4.3.10 The NPPF published in December 2024 introduces a new designation of development – 'Grey Belt'. Annex 2 (Glossary) of the NPPF defines 'Grey Belt' as follows:

'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.'

4.3.11 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. Even if the site were considered to be Grey Belt it would not meet the criteria in paragraph 155 of the NPPF to be regarded as appropriate development in the Green Belt because there is no demonstrable unmet need for this type of industrial development in the district and the site is in an unsustainable location.

4.3.12 In addition to the unauthorised extensions that have taken place to the buildings on site together with the unauthorised new 'temporary' building, the site has been further developed since its last agricultural use with a large amount of new concrete hardstanding both around the buildings and through the widening of the access road leading into the site. Furthermore, there is a large amount of outdoor storage of metalwork and other materials on open ground to the east and south of the main group of buildings on site. These aspects of the development do not meet with any of the exceptions set out in paragraph 154 h) of the NPPF as they do not preserve the openness of the Green Belt and conflict with the purposes of including land within it.

- 4.3.13 The development as taken place on site, by reason of its use and associated operations and amount of new floorspace and built volume is firmly and unequivocally considered to be inappropriate development in the Green Belt and by definition harmful to the Green Belt and in accordance with paragraph 153 of the NPPF should not be approved except in very special circumstances. The applicant has not acknowledged any harm to the Green Belt and has not advanced any very special circumstances. For there to be very special circumstances the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal must be clearly outweighed by other considerations.
- 4.3.14 Therefore, in addition to the harm caused by inappropriateness consideration must be given to any other harm arising from the development. Paragraph 142 of the Framework explains that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'* In assessing the impact of the development on the openness of the Green Belt the planning judgement must have regard to both the spatial impact of the development (i.e. the quantitative impact of new development) and a visual impact (the effect upon people's perception of openness from beyond the boundary of the application site).
- 4.3.15 In this case, in terms of the spatial assessment, there has been a significant increase in floorspace and volume of buildings at the application site as well as outdoor storage of materials which directly affects the openness of the site and therefore harms the openness of the Green Belt. In terms of the visual impact the buildings on site can be seen from Three Houses Lane and some adjacent properties. The recently added drainage pond, widened access road, boundary fencing and entrance gates are also visible from the road. It is contended that the perception of openness of the Green Belt as a result of the recent works is significantly affected as a result of this visual impact.
- 4.3.16 Paragraph 143 of the Framework sets out the five purposes of the Green Belt. The development fails to comply with sub-section c) which seeks to safeguard the countryside from encroachment.
- 4.3.17 The Council published its Green Belt Review Update in 2018. In that document the application site falls within strategic land parcel No. 7 – Old Knebworth. The outcome of the review was that land parcel No. 7 made a moderate contribution towards safeguarding the countryside from encroachment and a moderate contribution overall to Green Belt purposes. The document was endorsed by the Local Plan Inspector when concluding the Local Plan Examination in Public which subsequently led to the adoption of the North Herts Local Plan 2011 – 2031. The Review confirms the important contribution that the application site and its immediate surroundings make to the fundamental aim of Green Belt policy which is to maintain openness.
- 4.3.18 In conclusion on the Green Belt issue it is considered that the development results in inappropriate development that by definition is harmful to the Green Belt. Furthermore, the development results in other harm including spatial and visual harm as well as encroachment into the Green Belt.

- 4.3.19 SP3 ('Employment') of the Local Plan states that the Council will *'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;'*

The site is not in an appropriate location for employment development given the locational approach set out in SP3, the harm to the Green Belt and the generally unsustainable location for the scale of development that has taken place at the site. The development is therefore also contrary to the provisions of Policy SP3 of the LP

- 4.3.20 In summary, the proposal is inappropriate development within the Green Belt and there is harm to the openness of the Green Belt and conflict with a purpose of the Green Belt. It is necessary to consider whether there any other harms and benefits that would arise before setting out the concluding planning balance on this proposal.

4.3.21 Impact on the character and appearance of the area

- 4.3.22 The development has resulted in a significant change to the character and appearance of the area through the following aspects of the development:

- ☐ The introduction generally of a high intensity industrial development in a woodland and predominantly rural / agricultural setting
- ☐ The introduction of large extensions to existing buildings, a new commercial building, large areas of hardstanding, extensive areas of outdoor storage of metalwork and associated goods, erection of entrance gates and perimeter fencing
- ☐ Provision of electricity sub-station, drainage pond and lighting
- ☐ Felling of trees, excavation work for utilities and movement of soil around the site with the loss of bluebells and other flora.
- ☐ Increase in the size and frequency of commercial vehicles accessing the site and along Three Houses Lane generally
- ☐ Deterioration of the adjacent carriageway and ditches through surface water run-off and HGV's accessing the site

- 4.3.23 The application site falls within Area 205 (Codicote Plateau) of the North Herts and Stevenage Landscape Study 2011. The study states the key characteristics of the area as comprising gently rolling upland landscape with large arable parcels with varying blocks of woodland with a moderate to high sensitivity overall with the area sensitive to the introduction of additional development and urbanising features. In terms of its capacity to accommodate development the study says that the landscape capacity for commercial/warehouse estates and large scale open storage is considered to be low. The landscape capacity for incremental small scale development is also stated to be low to moderate.

- 4.3.24 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. Policy NE2 ('Landscape') is particularly relevant to this application as it states:

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.

4.3.25 It is considered that the unauthorised development the subject of this application has had an adverse impact on the tranquillity and natural beauty of the countryside through the impacts set out above resulting in harm to the character and appearance of the area in general. The development is in conflict with Policies SP9, D1 and NE2 of the Local Plan as well as being contrary to Section 12 of the Framework, in particular paragraph 135 which states that planning decisions should, inter alia, ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting.

4.3.26 **Heritage impact**

4.3.27 The nearest historic building is The Peach House, a Grade II narrow glasshouse located within the Node Park settlement approximately 140 metres to the south east. Given the distance of the industrial buildings from the listed building together with intervening landscaping in between it is considered that there would be no adverse impact on the historic significance or historic setting of the Peach House. There are no other nearby historic assets which could be considered materially affected by the development. The impact on ancient woodland is considered below.

4.3.28 **Ecological issues**

4.3.29 The application site is part of a Local Wildlife Site (LWS) but has no statutory designations. Both Crouchgreen Wood and Church Wood are covered by a provisional Tree Protection Order (TPO 00214 (2024) which covers both woodlands specifying various species of trees protected.

4.3.30 The submitted PEA states that *'the proposals are limited to the conversion of extant sheds and the erection of a small substation on existing hardstanding only. Therefore the proposed development applied for will not result in the loss any habitats of ecological value'*.

4.3.31 The Council's Ecologist has raised concern that the submitted Preliminary Ecological Appraisal (PEA) does not adequately assess the ecological impacts of the development including the damage caused by several features including the drainage basin and the panting of a laurel hedgerow within the LWS. The officer considers the development contrary to Policies SP12 (Green infrastructure, landscape and biodiversity) and NE4 (Biodiversity and geological sites) of the Local Plan.

4.3.32 Highway issues

- 4.3.33 Policy T1 of the Local Plan states that permission will be granted provided :
'Development would not lead to highway safety problems or cause unacceptable impacts on the highway network'

The Policy further states :

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.

(This application has been advertised as a major development because of the site area exceeding 1 hectare and the floorspace created is 1,000 sq metres or more (Part 1 of the Town and Country Planning (Development Management Procedure) Order 2015)).

- 4.3.34 From the previous comments of the Highway Authority (HA) and the evidence provided by third party submissions it is clear that HGV's have difficulty negotiating Three Houses Lane because of its limited width and difficulty accessing the application site again because of the narrow width of the carriageway and soft verges and adjacent drainage ditch. The submitted Transport statement is inadequate in that it does not demonstrate satisfactorily how safe access can be achieved along Three Houses Lane and there is no swept path analysis to demonstrate that vehicles can enter and exit the site safely or turn around within the site. It is also apparent that there has been a significant increase in HGV movements into / out of the site over and above the previous agricultural use.
- 4.3.35 In terms of parking only 11 spaces are shown on the submitted site plan GA004 Rev 3 whereas the combined floorspace of 1276 sq metres requires 17 spaces. No provision is made for lorry parking or visitors and no dedicated cycle storage area is shown on the submitted information.
- 4.3.36 Hertfordshire County Council's Local Transport Plan (LTP4 2018) sets out in its policies a hierarchal approach to transport planning to encourage greater and safer use of sustainable transport modes (Policy 1) and to influence where new development is located so that it can be served by public transport or where key services can be accessed by walking and cycling (Policy 2). Policy 5 of the LTP4 seeks to 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'*
- 4.3.37 Hertfordshire County Council's 'Place and Movement Planning Design Guide' (adopted 2024) sets out the framework of policy, advice and standards aimed at supporting national policies and guidelines aimed at delivering sustainable development and in support of the Local Transport Plan (LTP4). The poor highway access to the site and the conflict between associated HGV traffic and other road users together with its unsustainable location means that the development is not in accordance with Design Guide.

4.3.38 **Other Environmental issues (Noise, Flooding, Climate change etc)**

- 4.3.39 The Council's Environmental Health officer has referred to the incorrect methodology used in the submitted Noise report in that the report should be assessing the impact of the development on the surrounding noise sensitive receptors including nearby residential property. However, the advice is that conditions could be imposed should the Council be minded to grant permission such as hours of working etc. The NPPF advises that local authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. In the circumstances and given the distance of nearby residential properties from the site it is considered that there are no convincing grounds to justify a refusal on noise matters particularly where conditions could be used to control the use. It is also the case that there is other legislation available to the Local Authority to take action should there be a noise nuisance arising from the development e.g. the Environmental Protection Act 1990.
- 4.3.40 The site is within Flood Zone 1 of the Environment Agency's Flood Map i.e. where there is the lowest probability of fluvial flooding. The main issue appears to be surface water run off from the site. The application is accompanied by a Flood Risk Assessment which proposes only a modest addition to the site drainage arrangement i.e. the provision of raingarden planters. Comments from the Lead Local Flood Authority are awaited however it is considered that this matter could be managed by the attachment of planning conditions should permission be granted.
- 4.3.41 Even though this application is retrospective it is not exempt from the need to achieve bio-diversity net gain as the development impacts a priority habitat and impacts an area more than 25 sq metres. That said , if permission were to be granted it is likely given the site area that bio-diversity net gain could be achieved or alternatively this could be secured off site. The mandatory Bio-diversity net gain condition would be required in the event of the grant of planning permission.
- 4.3.42 The application is not accompanied by a sustainability assessment to address the impact of the development on local climate change. The submitted Design and Access statement makes only brief reference to sustainability commenting that the site '*is located within a sustainable location*' and that the extensions to the buildings on site '*have been fabricated using sustainable construction methods and materials*'. The application is not supported by any further information as to how the development will be future proofed against the challenge of climate change as required by the Framework and the Council's Sustainability SPD adopted in 2024. If permission is granted a condition requiring the submission of a site-wide sustainability strategy would be required, such strategy addressing such matters as renewable energy, reducing carbon emissions and water conservation.
- #### 4.3.43 **The Planning Balance and conclusion**
- 4.3.44 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.45 The development brings forward economic benefits in the provision of employment. Ten employees are noted on the application form. The previous use would have involved some employment but the increase in employment is noted. Moderate weight can be attributed to this benefit.

- 4.3.46 The development is considered inappropriate development in the Green Belt. No very special circumstances have been advanced in support of the application and none are apparent in this case. Paragraph 142 of the NPPF says that the Government attaches great importance to Green Belts. The harm to the Green Belt must therefore carry significant weight.
- 4.3.47 The development causes harm to the character and appearance of the area and the use is detrimental to highway safety. There is harm to the ecology of the site and there are outstanding matters concerning surface water drainage and sustainability. The development is also in an unsustainable location and fails to achieve the environmental objective of sustainable development as required by the Framework. Collectively these environmental harms carry significant weight. In terms of Green Belt policy it is concluded that the benefits that would arise from the development do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.
- 4.3.48 In terms of a summary of applying weight to the positive and negative aspects of the application, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole and accordingly planning permission should be refused.

Alternative Options

None applicable

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **REFUSED** for the following reasons:

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 proposal does not comply with any of the exemption criteria set out under paragraphs 154 and 155 of the NPPF. Furthermore, it would result 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 proposal would 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. and 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.

Proactive Statement:

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