

Our Ref: LF/24055_02

23 January 2025

Mr T Rea
Planning Department
North Hertfordshire Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

By Email Only: tom.rea@north-herts.gov.uk

Dear Mr Rea

Third Party Objection

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) at Land At Church Wood, Three Houses Lane, Codicote, Hertfordshire. 24/02343/FP

We write on behalf of the Three Houses Lane Action Group in response to the above planning application. We have been instructed to review and provide comment on the proposed change of use.

Again, like the previous application, upon review we were surprised to find that the application was even valid, as the submission fails to accord with the requirements set out in the Council's validation matrix, let alone the national validation requirements for major development.

A key example to the quality of this submission is noting that the proposed plan view (ref: GA004 Rev 4) does not scale according to the scale bar.

The application submission lacks the following information to enable the Authority to make any meaningful and substantive decision on any key material considerations such that the application should either be invalidated or refused:

- East and West Existing Elevations
- Existing Block Plan
- All Proposed Elevations



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- Proposed Floor Plans, annotating proposed uses, including the first floor
- Parking Plan
- Illustrative Landscaping Plan, including fencing location
- Green Travel Plan
- Arboricultural Impact Assessment
- Planning Statement
- Biodiversity Net Gain Assessment
- Drainage Strategy

It is understood that the application was originally invalidated to enable information to be provided that accurately reflected the works undertaken on site. The description of development references the use of the site for storage use only, however, we are advised that heavy duty equipment has been moved onto the site and that the intention is to undertake steel cutting or similar, which is an industrial operation not storage.

Development within the Green Belt

The application site is located within the Green Belt; paragraph 154 of the NPPF advised that the re-use of rural buildings is an exception to Green Belt policy providing that they preserve the openness and do not conflict with the purposes of including land within the Green Belt.

For completeness, as set out in the NPPG, openness comprises spatial, visual and functional elements. It is appreciated that some of the buildings existed such that, in respect of the use of these existing buildings, to a large extent, the impact on spatial and visual openness remains unaltered.

The proposal seeks to double the size of Barn 1, more than double the size of Barn 2, and install a temporary cabin, the need for such large extensions remain unjustified and would have a detrimental impact on the openness of the site.

The additional hardstanding, drainage and fencing also have a detrimental impact on the openness of the Green Belt.

The full extent of that impact cannot be understood as there is no supporting information that sets out the nature of intended use of the site, other than to say it is to be used for storage purposes; will there be any open storage, how will parking be arranged, are there any additional earthworks required etc?

Paragraph 154 c) of the NPPF does set out that extensions or alterations to buildings may be exceptions, but only where they are not disproportionate additions over and above the size of the original building. The floorspace calculations within the application form are inaccurate and therefore misleading. The original floorspace equates to approximately 812m², with extensions to those

buildings equating to approximately 430m², a 53% increase on internal floor area before you add the sub-station and temporary cabin to that calculation.

This cannot be deemed to be proportionate, but significantly increases the scale of development on this site with no '*very special circumstances*' being advanced.

The functional impact is most important in this instance, this relates to the movements associated with the site. The application form notes 10 FTEs and 14 car parking spaces, but due to the lack of any transport information or supporting planning statement, the nature of the proposed storage use is unknown. It is not therefore possible to ascertain whether the storage use has multiple daily deliveries or movements, which would be in addition to the office use.

The Transport Statement cannot be relied upon. In considering the proposed vehicle movements it only addresses any office use of the site and not any movements associated with the proposed storage use. This is not a speculative business, there is no need to rely on TRICs data, but a real assessment should be made on the function of the business, the nature of the storage, the number of vehicles entering and exiting for the storage element per day and the type of vehicles used. This should be in association with the proposed office use of the site.

The historic use of the agricultural units was sporadic, there were no regular daily movements, and it was used to store straw/hay and for storage of equipment and as a workshop. Any meaningful movements were largely around harvest season with more sporadic movement limited at most to 1-2 per day for the remainder of the year, with more often than not, no movements at all.

Even without information pertaining to the nature of or extent of movements associated with the storage use, it is clear that this will be a material increase in the number of movements into and out of the site that will undermine and not preserve the openness of the Green Belt.

Accordingly, the proposed development is unacceptable within the Green Belt and is required to demonstrate '*very special circumstances*'.

As there is no supporting evidence, the application has not demonstrated '*very special circumstances*'.

The proposal is therefore contrary to Local Plan policy SP5 and the NPPF.

Red Line Extent

There are concerns that the red line covers the entire extent of land ownership and if the Authority were minded to grant permission, the entire extent would benefit

from a storage use. Without proper controls this would enable the Applicant to store goods across this entire area in an unrestricted manner that would have a significantly greater impact on the Green Belt and on the protected habitats, as has already been happening, as can be seen in the below drone image.



Drone image taken December 2024

Sustainability and Transport

There can be no debate, the site is in an unsustainable location. The site is not accessible by any alternative modes of transport, the nearest train stations are Hitchin or Knebworth, and neither are within walking distance of the site. This is reflective of the lack of a Green Travel Plan! The only way to access the site is via the private car.

The application lacks any sort of alternative site assessment to demonstrate that this is the only site available and suitable for the nature of use proposed.

There are many sites within the District, let alone adjacent Districts and Boroughs, that have vacant commercial properties and storage space that this need not be located in an unsustainable location.

There is no need for the office space and storage space to be co-located in a rural location.

The unsustainable nature of the site is exacerbated by the nature of the access road, Three Houses Lane. Whilst served from a B-road, Three Houses Lane is a narrow single-track road with no passing bays, the increase in traffic movements will have a serious impact on highway safety and the erosion of grass verges will be exacerbated.

The nature and acceptability of this road is not addressed within the Transport Statement, albeit a passing bay to be provided has been alluded to, but no details provided. With protected woodland in close proximity to the roadway edge in this location, this provision must be balanced against the impact on the landscape.

If a passing bay is required for the office use that has been considered in the Transport Statement, the regular use of HGV's to and from the site will have an even greater impact on the highway network.

The lack of information regarding the nature of vehicles associated with the storage use makes it difficult to demonstrate that the scheme has an appropriate access arrangement, certainly the experience of the use of the site is that appropriate access arrangements cannot be delivered.

Vehicles are now regularly getting stuck along the road and erosion of the verges is evident upon visiting the area.



Movements Along Three Houses Lane - 1



Movements Along Three Houses Lane - 2



Lorry stuck in verge obstructing the road.

The road network is simply not suitable for these vehicles without resulting in a severe impact on highway safety.

The application fails to demonstrate that this is sustainable development and that there will be no detrimental impact on highway safety. The proposal is therefore contrary to Local Plan policies SP1, SP6, T1 and T2 and the NPPF.

Impact on the Character and Appearance of the Area.

The site is located in a rural location where the agricultural buildings have been nestled into the wooded setting. With their agricultural use, the buildings have always been largely assimilated with their adjacent agricultural use. The introduction of this business, which is partially retrospective, has introduced new hardstanding, fencing, new and extended buildings, the removal of landscape and has significantly increased the activity on the site.

The change of use becomes more evident with the introduction of a commercial security fence around the site. It is not clear from the information submitted whether the fence is to be tightly located to the built form, or if it is to be around the entire application site, although new fencing and non-native cherry laurel hedging has already been introduced along Three Houses Lane. Clearly, the associated impacts differ depending on the extent of the fencing. The location is also important when having regard to the impact on the protected woodland and any tree roots.

Cumulatively, the impact on the character of the area as a result is huge, due to the nature being rural and largely open countryside with protected woodland.

This is before there is any understanding of the nature of the works proposed to the buildings to bring them into use as office and storage accommodation, whether there is any external storage, the nature of the movements or if any CCTV may be required.

The impact on this rural idyll is likely to be vastly detrimental to the character and appearance of the area, contrary to Local Plan policies SP9, D1 and NE2 and the NPPF.

Impact on Trees

The application is not supported by any tree information, which is a validation requirement. The impact on trees is unknown and whilst on face value there may be no need to remove further trees, the location of the proposed sub-station may impact on the adjacent tree belt, whilst regard needs to be given to any underground connections for both drainage and power that are not currently provided.

The routing of any services in this tree'd location has the potential to significantly impact on any root protection area, but as the information has not been provided, it is not possible to determine that there will be no impact, especially as the access road has just been re-surfaced, it is more likely that the services will be in the soft margins.

The photographs within the ecology report also demonstrate that storage is occurring within the root protection areas, whilst there has already been extensive tree removal around the periphery of the site:

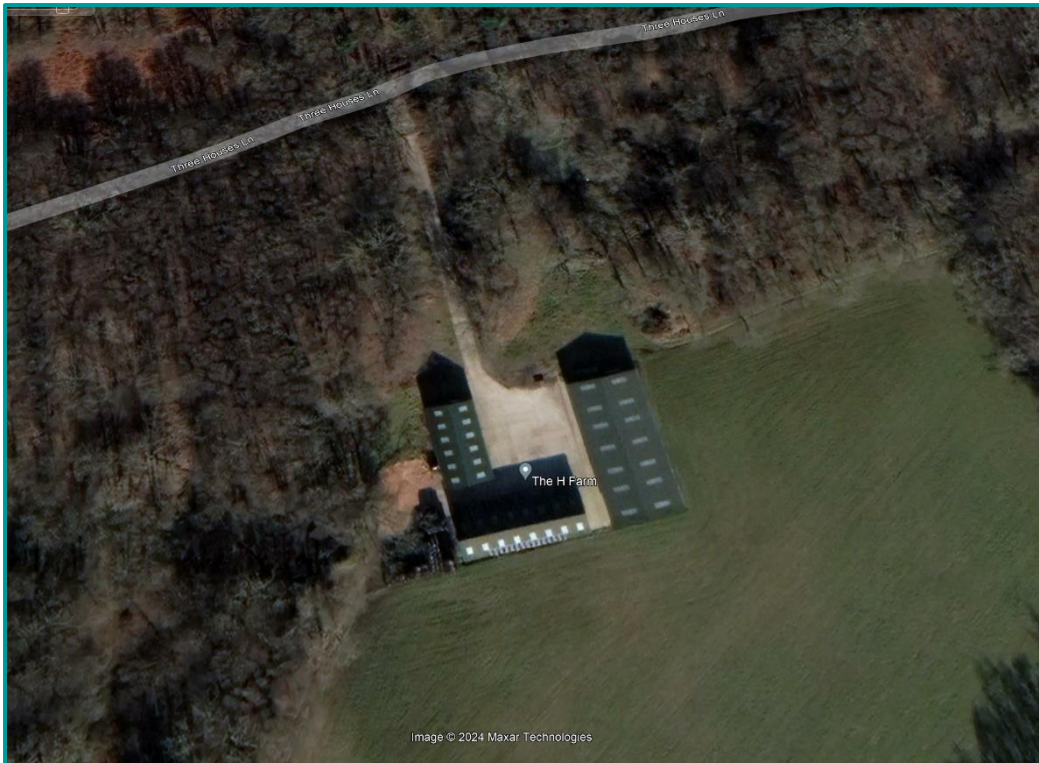


Fencing has been installed within the root protection area of adjacent trees and it is unknown if further fencing is required.

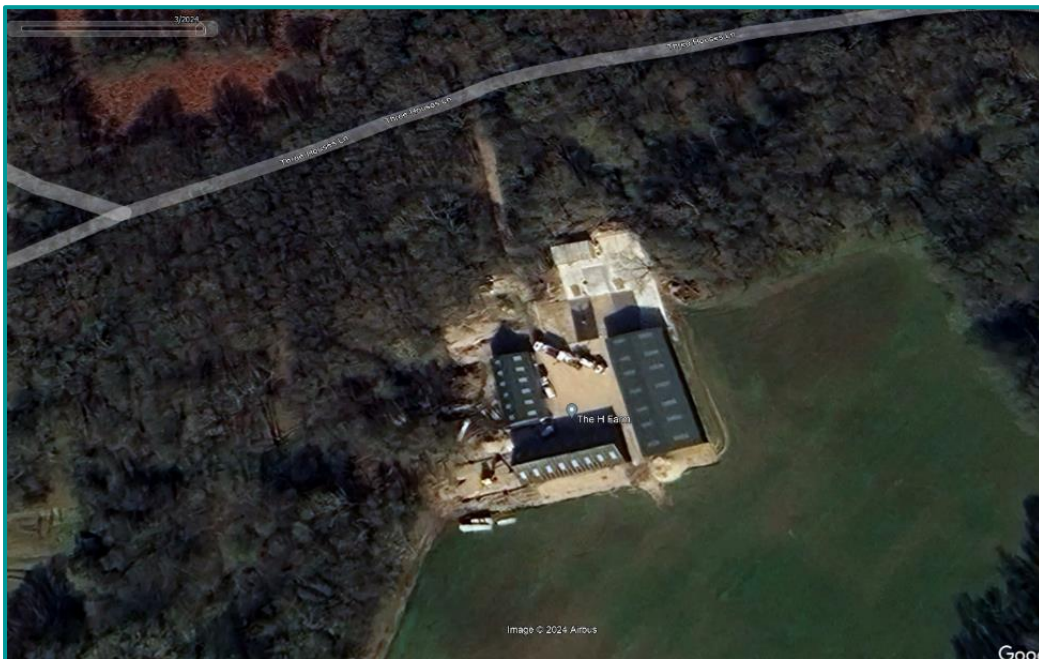
The proposal has failed to demonstrate that there will be no detrimental impact on the adjacent tree belt contrary to Local Plan policy NE2.

Biodiversity Net Gain

It is evident from Google Earth imaging that the extent of hard surface has significantly increased since the site has been purchased by the Applicant.



Google Earth March 2022



Google Earth March 2024



Drone image August 2024

The extent of site clearance, new hard surfacing and new built form is evident and far exceeds the 25m² exception for Biodiversity Net Gain (BNG).

The additional hard surfacing cannot be deemed to be permitted development, as it has not been provided for the lawful use of the land but is directly associated with unauthorised works to change the use of the site without the benefit of planning permission. The development is also not entirely retrospective, so the exemption does not apply.

A full BNG assessment is required, and it needs to demonstrate a minimum net gain of 10%.

The application is contrary to Local Plan policies SP12 and NE4, the NPPF and the Environment Act.

Ecological Impact

The site is located within a kilometre of nine individual wildlife sites. Two of those sites are within 20-30m of the site itself.

The site is open to the wooded areas and readily accessible for walking and meandering. The increase of activity and people at this site increases the likelihood of these areas being accessed by staff taking a walk at breaks and lunchtime to escape the office or to stretch their legs after a long drive to deliver storage goods. This potential impact has not been considered within the Preliminary Ecological Appraisal (PEA).

The PEA has been written as if no works have already occurred at the site which is simply not the case, harm has already occurred and needs to be considered and mitigated against.

The PEA advises that the proposed development could potentially impact on the County Wildlife Sites in the absence of mitigation (para 5.2). These direct impacts are as a result of noise, light pollution, dust and waste materials. The report proceeds to suggest that a CEcMP would resolve any indirect impacts arising, however, this would only work for the construction period, not the lifetime of the use of the site and those indirect impacts.

There are some serious flaws in this report, as a direct result of the lack of information pertaining to the nature of the works proposed.

There is no information provided regarding the extent of works proposed at the site, such that a CEcMP may be excessive. Or probably more likely, extensive works are proposed and simply haven't been disclosed by the Applicant.

There is no regard to the impact of the long-term use of the site on the adjacent Wildlife Sites. There will undoubtedly need to be external security lighting, not least to assist movement of cars in the winter months, but the lack of information around the nature of the use prevents any reasonable assessment from being undertaken in respect of noise, this relates to forklifts, delivery vehicles, reversing beepers etc.

The application fails to demonstrate that there will be no short term or long-term detrimental impact on the adjacent Wildlife sites, contrary to Local Plan policies SP12 and NE4 and NPPF paragraph 193.

The damage to English bluebells, which are a protected species, is a criminal offence and has been reported to the Police. Endorsing these actions through the grant of a planning permission is only serving to endorse these criminal actions.

Other Matters

Whilst the site is not located within a flood zone, the lane regularly has sitting water at its edges and within the roadside ditches. This can be seen in above photographs. The use of the site for agricultural purposes has never necessitated the need for extensive hard surfacing and specific foul and surface water provisions. With use as an office and increased hard surfacing and built form, the impact on surface water runoff will increase locally. The application lacks any information pertaining to drainage for the actual development, as such the applicant has failed to demonstrate that the scheme will not exacerbate the localised surface water issues and detrimentally impact on highway safety.

As can be seen on the below image, the excessive water run off onto the highway froze in January 2025, leaving the roadway in a dangerous state.



January 2025

The impact on neighbour amenity must also be considered, but due to the lack of information within the application it is nigh on impossible to ascertain what that impact may be. The application form, containing so many inaccuracies within it, does state that hours of opening are not relevant. Clearly this is not the case, residents should be aware of the hours of operation, as this will impact on their lives. It is relevant to enable noise impact to be understood and if lighting is required which may impact on individual properties and or the character of the area.

It is noted that the application is supported by a noise assessment, however, there are a number of factors considered in the assessment that result in it being unreliable for determining whether there is any impact on residents. Firstly, it is not clear whether the assessment was undertaken when the site was vacant and that no operations were occurring during the measuring period. As it was an unmanned recording there is no way of verifying this matter. Further it is only considering the storage of goods within the buildings, it does not consider vehicles visiting the site, or any equipment operating within the yard area, reversing beepers etc.

Conclusions

The proposed change of use is partially retrospective with works having already occurred on site and harm already arising as a result.

The content of the application is distinctly lacking in information to enable any meaningful assessment to be made on key areas and as such should be refused and referred to enforcement for the necessary action to be taken.

The works undertaken to date constitute a criminal offence, as well as extensive unauthorised works within the Green Belt. This is a clear breach of control for which action should be taken in a swift and decisive manner before further harm results.

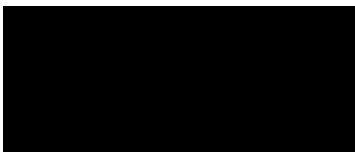
This is a completely inappropriate location for a use of this nature and should be sited in an appropriate employment area not in a rural area off a single width road.

Even without the necessary supporting information to validate this application, it is clear that the proposed development will have and has had a detrimental impact on biodiversity, ecology and protected habitats, will result in inappropriate development in the Green Belt, harm to the character and appearance of the area and will have a severe impact on highway safety.

We implore you to refuse this application sooner rather than later, as it is evidently in the wrong place and no additional information is realistically going to make it acceptable.

If we can be of any further assistance, please do not hesitate to contact me.

Yours sincerely



LIZ FITZGERALD
Managing Director