

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00926/FP	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.	Friends Green Farm Friends Green Damask Green Road Weston Hitchin Hertfordshire SG4 7BU

Submitted Plan Nos

FGP1-1 FGP1-2 FGP1-3 FGP1-4

SP5	Countryside and Green Belt
D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
T1	Assessment of transport matters
SECN9	Promoting sustainable transport
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 Extensive site history, relevant applications are as follows:

2.2 **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).

Refused

2.3 **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).

Conditional Permission

2.4 **20/01832/FP** - Change of building usage from livery yard to car showroom and single storey 3-bedroom dwelling.

Refused

- 2.5 **18/02911/S73** - Increase in height of garage/workshop/feed store building to provide tack room at first floor level (as variation of Condition 2 of application number 17/04137/S73 granted on appeal reference APP/X/1925/W/18/3198084 dated 28/09/2018).

Refused - Appeal Dismissed

- 2.6 **17/04137/S73** - Section 73 application: Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables (Removal Condition 6 of Planning application 15/02582/1 granted 28/04/2016).

Refused - Appeal Allowed

- 2.7 **15/02582/1** - Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables.

Granted

3.0 **Representations**

- 3.1 **Weston Parish Council** – “*Weston Parish Council objects to the application for the following reasons:*

1. In March 2024 the applicant was granted temporary permission for a 2-year period to change the use of the building subject to various conditions (Ref 23/01259/FP). It would appear that one of the intentions of this application is to make that temporary permission permanent, despite the fact that the 2-year evaluation period is not yet complete. The reason given for the 2-year period was 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.' Weston parish Council therefore does not believe that it would be appropriate to make the change of use permanent until the minimum period of 2 years has elapsed. To do so would make a mockery of the original decision.

2. The application also seeks permission to retain the southern vehicle access route. Having failed to submit plans for the removal of the access route and the landscaping of the ground within the required 3-month period, the applicant submitted an application for the removal of the condition in June 2024 (Ref 24/01434/S73). This application was refused. Weston Parish Council objected to the request for the removal of the access route on the grounds that there were no changes in the circumstances that would warrant the removal of the condition.

Recently there has been a change in the circumstances in that the current plans submitted for the GA1 Roundwood site (24/02889/FP) will increase the number of properties fronting onto Back Lane by 96 properties, which will lead to a significant increase in the volume of traffic along Back Lane, making the southern entrance and exit on this property even more inappropriate. It is for this reason that Weston Parish Council objects to the retention of the southern vehicle access route.

The request to alter the fenestration is identical to an application from June 2024 (Ref 24/01476/FP) which was withdrawn. Weston Parish Council did not object to that application and therefore does not object to this element of this application”.

3.2 **Hertfordshire Highway Authority** – *“The applicant has failed to demonstrate a satisfactory policy and design-led approach, thereby the proposal for a secondary vehicle access would exacerbate 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 has been deemed by the HA as unsafe and unacceptable. The proposed measures relating to the southern access do not alleviate the historic concerns of the Highway Authority. Consequently, the development would lead to highway safety problems and unacceptable impacts upon the local highway network. Therefore, the proposals are contrary to 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”.*

3.3 **Site Notice and Neighbour Consultation** – None received.

3.4 **Conservation Officer** – The proposal is unobjectionable.

3.5 **Environmental Health** – *“To my knowledge, Environmental Health have received no complaints in relation to this premises for noise/disturbance etc. At this stage I would raise no objection but seek to retain conditions 3 and 4 from 23/01259 to restrict the use as currently. However, would it not be prudent to wait for the summer to pass, at the least, to see whether the use of the site raises complaints?”.*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 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. 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.

4.2 **Proposal**

4.2.1 The application seeks planning permission for the use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing, as well as alterations to fenestration to building 2 and the retention of the southern vehicular access.

4.2.2 Under application ref: 23/01259/FP, planning permission was granted for the use of the existing buildings at the site for (Sui Generis) car sales and (Use Class B2 general industrial) car servicing. This consent was subject to a temporary condition for 2 years. This application seeks to make the use of these buildings permanent and includes modest alterations to the fenestration of Building 2.

4.2.3 Within the lifetime of that previous application, the Council consulted with the Highway Authority on several occasions on a number of highway related matters. One of those matters related to the existing southern access to the site which had been implemented without planning permission, where concerns were raised in relation to highway safety

due to substandard visibility splays. In response, the applicants submitted a revised transport statement on the 16th January 2024 which, through consultation with the Highway Authority, sought to close the existing un-lawful southern access through measures such as boundary fencing/landscaping and instead utilise the existing northern access, which formed part of the original planning applications for these buildings and has been operated at this site for many years. Following consultation with the Highway Authority on this matter, no objections were raised subject to conditions. The Council therefore sought to condition the closing of the un-lawful southern access. An application was submitted under ref: 24/01434/S73 to remove this condition and as a result, retain the existing un-lawful southern access onto Damask Green Lane. This application was refused and was not appealed. This application also seeks to retain the southern access into the site, utilising a one way system in an attempt to improve the highway safety concerns.

4.3.1 Key Issues

4.3.1 The key issues in this case are:

- ☐ The Principle of Development in the Green Belt
- ☐ The Impact on Designated Heritage Assets
- ☐ Design and Layout
- ☐ Impact on Neighbours
- ☐ Highways and Access
- ☐ Biodiversity

Principle of Development in the Green Belt

4.3.2 The site is within the Green Belt. Policy SP5 of the Local Plan states 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. Section 13 of the National Planning Policy Framework (NPPF) stipulates that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 154 and 155 of the NPPF offer several exceptions to inappropriate development.

4.3.3 The matters relating to the use of these buildings for as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing were considered in detail under the previous application under ref: 23/01259/FP, such that much of this report will rely on the comprehensive points made in that previous report to the Planning Control Committee.

4.3.4 It was acknowledged that the proposed use of the buildings does not comply with any of the exceptions to inappropriate development set out in paragraph 154 of the NPPF. The Council considered the possibility of this development being compliant with paragraph 154 h) iv) (previously 155 d) the re-use of buildings provided that the buildings are of permanent and substantial construction. However, this exception could not be engaged because the equestrian/livery use to which these buildings were permitted was never implemented and so the use for which planning permission is sought cannot be considered to be a re-use of buildings, as the lawful use was not implemented.

4.3.5 It was further considered that the Council had not taken enforcement action against the buildings on the site, which the Council understand have been built taller than approved in those historic applications and the use not lawfully implemented. At the time, it was considered that the two buildings approved under applications referenced

15/02582/1 and subsequently 17/04137/S73 have been erected on site and are currently immune from enforcement action due to the passage of time. There is no material planning reason to change this view now.

- 4.3.6 In terms of the Green Belt purposes, it was considered that there would be no conflict with Green Belt purposes with a, b, c and d. However, it was deemed that there would be some conflict with purpose e), as the use of the buildings for car sales/servicing is a use appropriate to urban areas, rather than rural areas such as this Green Belt site. Therefore, the use would be more suitable in an urban area and providing a suitable site could be located for this business, it would encourage urban regeneration and the recycling of derelict/urban land, instead of using rural areas that are designated as within the Green Belt. Therefore, it was considered that there would be some conflict with this Green Belt purpose. There is no material planning reason to change this view now.
- 4.3.7 In terms of the openness of the Green Belt, it was considered that the buildings have been erected on site and are immune from enforcement action currently through the passage of time. The proposed use of the buildings for car sales/servicing does not have any material impact on spatial openness, as this is more about built form and massing. Moreover, in respect of visual openness, Officers acknowledged that the buildings on site whilst visible from Damask Green Road have been built to a high quality and appear rural in character and appearance, which is a positive from a visual openness perspective in the Green Belt. The only matter for consideration in this respect is the type and intensification of use from the proposed car sales/servicing use compared to the lawful fall-back position, which is the equestrian/livery use. The applicant has set out in the planning statement that the proposed use of the site would be less intense and result in significantly less activity compared to the lawful fallback position, primarily because the incredibly niche use for the sale and servicing of a select model of Porsches, which are of elevated value, would generate less trips and have more considerate hours of operation compared to the lawful equestrian/livery use which could support 12 horses and their owners with minimal limitations on occupancy numbers and operating hours. Therefore, for the purposes of visual openness, it was considered that the use of the site for the sale and servicing of a niche market of cars, could be less intensive in terms of trip generation and have less associated paraphernalia than the lawful equestrian/livery use, which would in turn have a lesser impact on visual openness. There is no material planning reason to change this view now.
- 4.3.8 On this basis, under the previous application, it was concluded that the development did not comply with any of the exceptions to inappropriate development in the Green Belt set out in paragraph 154 of the NPPF. Furthermore, there was limited conflict with the five purposes of the Green Belt; the use of the buildings for car sales/servicing conflicts with purpose e). Lastly, in terms of openness, it is acknowledged that the use of the site does not result in harm to spatial openness, as the buildings already exist on site. Further, the use of the site for the car sales/servicing of a niche market of cars would be less intensive and have less associated trips compared to the lawful fallback position for an equestrian/livery, resulting in a lesser impact on visual openness. The Council hereby acknowledge that the development is inappropriate development in the Green Belt and conflicts with purpose e) *to assist in urban regeneration*, by encouraging the recycling of derelict and other urban land. There is no material planning reason to change this view now.
- 4.3.9 The Council acknowledged under the previous application, and indeed acknowledge under this application as well, that there are several material considerations which sought to outweigh the harm to the Green Belt to demonstrate Very Special

Circumstances. These matters are set out below as taken from the Officer Report to Planning Committee under application ref: 23/01259/FP:

- 4.3.10 *The agents submitted several arguments which in their view, support the case for Very Special Circumstances. Firstly, which has been somewhat considered already regarding visual openness, is the intensification of use. The Planning Statement describes the business model as follows:*

"Friends Green Porsche is a high-end car servicing and sales company, that 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".

- 4.3.11 *The agents state that in terms of movements to and from the site and the associated activity, the equestrian/livery use to which these buildings were permitted would have significantly greater movements/activity compared to the use of the buildings for the sale/servicing of a niche market of cars. The permitted buildings comprised a Stable Block with 12 individual pens, which could see a minimum of 12 individual owners of horses kept on site. The applications referenced 15/02582/1 and subsequently 17/04137/S73 did not enforce conditions to limit occupant numbers or hours of operation. The argument is also that it is more than theoretical that each of the 12 horses kept at the site could have multiple owners or carers. It would not be unexpected for each stable pen to have someone potentially visit twice per day, often for extended periods if the horse is ridden from the site. In addition, staff will be present throughout the operational day for maintenance purposes, as well as the possibility to do nightly security checks. Additional regular visitors will include feed deliveries, waste collection, vet visits, paddock maintenance and other less frequent visitors involved in the running of a stable. Furthermore, the hours of operation for the equestrian use, which doesn't have a condition to limit it, could likely be in operation from as early as 05:00 until as late as 22:00 and be operated on weekends and bank holidays.*

- 4.3.12 *Compare this intensification of use and activity to the car sales/servicing of Porsches use, as the values of these products are elevated, the number of customers visiting the site on a daily basis is limited, equating to approx. 2 per day. Customers would also leave their cars at the site for extended periods during their service at an average time of 2 weeks, as opposed to a drop off and pick up on the same day scenario. In terms of other regular movements, the site has 4 full time members of staff, as well as on average 1 delivery per day. This therefore means the site would have circa 6 vehicle movements a day. The hours of operation associated with this use would be more commercially traditional, such as 8:00 until 17:30 for example, and this would not operate on weekends and bank holidays.*

- 4.3.13 *In line with the above comparisons, it would be reasonable to conclude 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. In this respect, the use of the site for the niche sale/serving of Porsches would have a reduced impact on visual openness which can be considered a benefit to the Green Belt generally.*

- 4.3.14 *Secondly, it is also important to acknowledge the two buildings that have been erected on site. These buildings were approved under the applications referenced 15/02582/1 and subsequently 17/04137/S73 for the proposed equestrian/livery use. As already discussed, the buildings are taller than the approved drawings, with the U-shaped*

building approx. 0.4m taller and the storage building approx. 0.5m taller. The Council's Enforcement Team investigated this and 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 are no existing enforcement investigations against the buildings alone and seeing as historic investigations have deemed it not expedient to enforce against, one has to reasonably consider the prospect of these buildings remaining in situ.

- 4.3.15 *Thirdly, under the applications referenced 15/02582/1 and subsequently 17/04137/S73 for the original consents, the floor plans showed a garage/workshop on the approved plans within the storage building. This was a large garage/workshop area of approx. 100sqm, and it is considered that the use of this building for car servicing would align with that permitted in those historic applications.*
- 4.3.16 *Fourthly, the agents have argued that for high-end car garages such as that proposed herein, it is not uncommon for such uses to operate in rural areas. The supporting Planning Statement makes the point that at Fairclough Hall Farm, Weston, which is approx. 1.75km away, Weston Datum motorsport operates a garage specialising in Lotus cars. Whilst this business operates in part of a wider site with various other businesses, the site is also within the Green Belt. The Council acknowledge that this similar site has been operating for some time and further acknowledge some similarities between the likely day to day operations and intensification of use compared to the proposed use of the application site, which weighs in favour of this proposal in my view.*
- 4.3.17 *Lastly, in terms of the potential enforcement of conditions should planning permission be granted, the Council would look to control several matters. In my opinion, it would be reasonable for the Council to control the hours of operation to 8:00 until 17:30 Monday to Friday, 8:00 to 13:00 Saturday, and not at all Sundays and Bank/Public Holidays, restrict the use of the site to car sales and servicing (Use Class B2) and for no other purpose, and to limit the outside storage or materials and display of vehicles for sale. Officers have considered the possibility of enforcing a Personal Condition which would limit the use of the site to the applicant and thereby limit anyone else from operating this use at this site, but this was deemed unreasonable as the application was submitted under a company name, not the applicants name. In response it would be reasonable to enforce a temporary condition for 2 years to allow an assessment of the harm arising from this use. The Council have not received any complaints about the use of this site through the Environmental Health Team, so the material harm of this use can be considered over this time period, and the applicant will have to re-apply to continue the use.*
- 4.3.18 *At the time of writing this report, the applicant is 15 months into their 2-year/24 month temporary planning permission as set out under ref: 23/01259/FP and they are now seeking permanent consent. The 2 year temporary period was to allow an assessment of the harm arising from the use and it would indeed be ideal to wait until the 2-year period is complete before issuing any kind of permanent permission. This concern from the Parish Council and Environmental Health Officer is noted. However, at the time of previous application there had been no complaints about the use of the site to Environmental Health and indeed now, based on the response from the Councils EHO, there have not been any complaints about these premises for noise/disturbance. Furthermore, Officers also sought to enforce a temporary 2-year condition because we had considered the possibility of enforcing a Personal Condition which would limit the use of the site to the applicant and thereby limit anyone else from operating this use at this site, but this was deemed unreasonable as the previous application under ref:*

23/01259/FP had been submitted under a company name, not the applicants name. Under this current application, the applicants name has been used instead of the company name, which means the Council could now reasonably enforce a personal condition to the effect of:

“The use hereby permitted shall be carried on only by Mr Luke Papworth and shall be for a limited period, being the period during which the premises are occupied by Mr Luke Papworth. When the premises cease to be occupied by Mr Luke Papworth, the use hereby permitted shall cease [and all materials and equipment brought on to the premises in connection with the use shall be removed]”

Reason; to ensure that the site is not owned and operated by users that would be more intense and result in greater trip generation in this Green Belt site, in line with Policy SP5 of the Local Plan.”

- 4.3.19 The Council intended to enforce this condition on the previous application to ensure that the site can only be occupied for the high-end Porsche sales/servicing use, given the inflated cost of these assets and resulting lesser ownership/trips compared to the lawful use, and not for a less niche car sales/servicing use which would likely generate more trips and general associated impacts/paraphernalia than the existing lawful use. This is considered reasonable and alongside the conditions relating to hours of operation and controlling the use, whilst also noting the lack of any real complaints to the Council in regards to noise/disturbance, it is considered that the proposal would be acceptable in pure Green Belt terms, such that the material considerations as set out in this report would constitute Very Special Circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

Impact on Designated Heritage Assets

- 4.3.20 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) 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 is reinforced by paragraph 215 of the NPPF.
- 4.3.21 The site has three listed buildings, Friends Green Farmhouse, Farm Buildings at Friends Green Farm, and East Barn and Attached Outbuildings, all of which are Grade II listed. Therefore, consideration is given to the impact of the proposal upon these heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting.
- 4.3.22 As considered under the previous application for this site and subject to the formal response from the Council’s Conservation Officer, it is considered that owing to the nature and scale of the development, the proposal will not give rise to any level of harm to the setting or significance of the designated heritage assets. This is in line with Policy SP13 of the Local Plan and Section 16 of the NPPF.

Design and Layout

- 4.3.23 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. These considerations are echoed in Section 12 of the NPPF.
- 4.3.24 The proposal incorporates a long run of bi-fold doors to elevation 1, as well as bi-fold doors/long windows to elevations 5 and 6. The glazed elements will be finished in black aluminium frames. It is considered that the proposed fenestration changes to the internal elevations of the building are acceptable. The windows/doors will be sympathetic to the character of the host building and will not be externally visible in any case.
- 4.3.25 As such, the proposed development is considered acceptable in design, in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.26 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.27 Owing to the isolated position of the site and the nature of the development proposed, it is considered that the proposal will not result in any harm upon the amenities and reasonable living conditions of neighbouring dwellings. This is in line with Policy D3 of the Local Plan.

Highways and Access

- 4.3.28 The history of this site in relation to the existing unlawful southern access is set out under paragraph 4.2.3 of this report. There has been a clear and consistent willingness by the applicant to seek to retain the existing southern access into the site, which was built without planning permission in consultation with the Highway Authority.
- 4.3.29 This application has been submitted with a Transport Technical Note (EAS March 2025) which has sought to alleviate the previous concerns raised by the Highway Authority. The Technical Note sets out that the proposal seeks to alter the vehicular access arrangements at the site, with the car dealership employing a new one-way access route. It is therefore proposed that all vehicular traffic will enter the site via a newly constructed unlawful southern access, while vehicles will egress solely using the approved existing lawful access in the north. It is 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 are not required. Details of this system and the relevant plans are set out in Appendix B and C of the Technical Note.
- 4.3.30 The Highway Authority have been consulted on this application and having reviewed the Transport Technical Note, recommend that planning permission is refused on highway safety grounds. The following is set out in their formal comments:
- "The HA has reviewed the Transport Technical Note, and whilst the justification for a second vehicle access remains as previously submitted (which was not supported by

the HA), the current proposal involves altering the vehicle access arrangement with the implementation of a one-way routing of traffic within the site.

The one-way system proposes entry of vehicles from the unauthorised southern vehicle access, whose bell mouth connection with the public highway it would appear has been illegally built, with egress from the existing northern vehicle access, enforced by introducing automated gates, with sensors triggering opening only for vehicles travelling in the correct direction, set back from the edge of the carriageway, as well as appropriate IN/OUT signage.

It would appear in the current application, the applicant's approach is that providing an in/out arrangement, the second vehicle access becomes acceptable. The HA in response has listed below comments already made in the previous application (ref no.24/01434/S73) highlighting the complete about change of the applicant current approach relative (parts in bold to highlight the point) to the reasons provided for the application which obtained approval:

The granting of the permission was conditioned (ref no. 23/01259/FP):

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.

The applicant agreed to close the southern vehicle access (**illegally connected to the public highway**) and **acknowledged the reasons for its closure and thereby obtained a no objection from the HA**, the circumstances in that period of time should not have changed given the proposal was demonstrated to generate less vehicle trips than existing use.

Due to substandard sight lines achievable at the existing (and only) northern vehicle access, the HA would not support any development that would result in any intensification of trips at the vehicle access. The applicant justified that their specific class of use which served a "niche market (Specialised Porsche Restoration Garage and Showroom)" by demonstrating "the expected vehicle trips generated by the proposed site are considerably lower than the existing use".

Furthermore, **a personalised planning condition** was suggested, supported by the applicant and agreed with the LPA, which was then conditioned to ensure the site cannot be passed to another operator under the same class of use, which could generate significantly more trips.

Local Highway Authorities (LHA's) **do not support a second vehicle access** serving a single development on highway safety grounds. This is to limit any adverse impact of additional conflict points, only one vehicle access is permitted per property and requests for additional vehicle accesses will be rejected. This is on the basis that a vehicle access already exists and the common law right of access has been met.

The applicant is now stating the following:

“help with internal traffic flow and operational efficiency of their car dealership business. By directing vehicles to enter and exit through designated points, congestion within the site is minimised, and the risk of internal vehicular conflicts/collisions is also reduced, which is very important for the applicant, especially considering that they deal exclusively in high-valued, often one-of-a-kind, Porsche sports cars.

Additionally, a revised access arrangement on site allows for optimal internal space utilisation, ensuring that parking, loading, and operational areas are used effectively. This arrangement will also benefit customers and staff, with the use of a clear and intuitive traffic pattern, making navigation easier for patrons.

In addition to the above improvements, the existing access is reasonably narrow, and on occasions where there is a vehicle entering and exiting the site at the same time, the existing width of the access is insufficient for those vehicles to pass safely. Such a situation can lead to one of the vehicles needing to reverse into the site or onto the public highway. While reversing onto a public highway has clear safety implications, reversing from the northern site access into the site exposes parked vehicles to potential damage from the reversing vehicle.

As mentioned above the applicant justified that the proposals would generate low vehicle trips, the figures provided; “car showroom and garage could be expected to generate 11 and 6 vehicle movements in the AM and PM peak hours respectively”, the applicant is now suggesting there is “safety implications” ... “on occasions” of vehicles entering and exiting at the northern vehicle access, and internally within the site consequently there is risk of internal vehicular conflicts/collisions, however with a second vehicle access this would result in the use of a clear and intuitive traffic pattern, making navigation easier for patrons.

Given that the initial application was approved based on the very low number of vehicle movements predicted by the applicant at the existing vehicle access, due to its niche market, now in contrast the applicant is suggesting that these significantly low number of vehicle movements are a cause of safety concern both internally and externally.

The HA is not convinced that the generation of vehicle movements of between 11 and 6 over peak hour periods is going to cause any problems, the concern that the HA had with the previously consented scheme was related to the substandard sight lines however the applicant prepared a report for the niche use which showed the proposal will generate significantly less vehicle movements than the existing use.

The HA would suggest the applicant have in place a Parking and Servicing Management Plan so that vehicles can move at the vehicle access and within the site in a safe and controlled manner without encountering vehicles in the opposite direction.

Notwithstanding the above, the ATC results were questioned by the HA and were never addressed by the applicant. The northern ATC was placed approx. 250m north of the proposed southern vehicle access just past the bend in the road, which would influence the speed of traffic, whereas at the northern vehicle access the traffic speed would have picked up given it is a fairly straight road. The same was undertaken at the southern vehicle access with the ATC located near the junction with Warrens Green Lane thereby traffic speeds would be lower on approach to the junction, and lower

heading north after turning into Damask Green Road. ATCs should have been placed in front of the accesses. Therefore, the 85th percentile is questionable, therefore in addition to the HA not supporting a second vehicle access, no new vehicle access would be supported with substandard visibility sight lines/splays, which were incorrectly measured initially”.

- 4.3.31 Overall, it is considered that the Hertfordshire Highway Authority, who are a statutory consultee and the experts on matters relating to highway safety and access, do not consider that the historic objections to this unlawful southern access point can be resolved by the proposed in and out one way system as asset out in the Transport Technical Note. The applicant was given the opportunity to respond to this formal comment from the Highway Officer and decided against it. Therefore, on the basis that the proposed measures relating to the southern access do not alleviate the concerns of the Highway Authority, it is considered that the development would lead to highway safety problems and unacceptable impacts upon the local highway network, contrary to Policy T1 of the Local Plan. Notwithstanding the views set out in this report relating to the permanent use of the buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing and the alterations to fenestration to building 2, the application cannot be recommended for approval with this highway objection maintained. The Highway Authority have since provided the following wording for a reason for refusal, which has been amended slightly to incorporate the Local Plan and NPPF:

“The applicant has failed to demonstrate a satisfactory policy and design-led approach, thereby the proposal for a secondary vehicle access would exacerbate 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 has been deemed by the HA as unsafe and unacceptable. The proposed measures relating to the southern access do not alleviate the historic concerns of the Highway Authority. Consequently, the development would lead to highway safety problems and unacceptable impacts upon the local highway network. Therefore, the proposals are 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”.

Biodiversity Net Gain

- 4.3.32 This is a form of development which is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to it falling under the scope of the 'de minimis' exemption.
- 4.3.33 Moreover, whilst measurable gains in biodiversity is required under Policy NE4 of the Local Plan, given the very minor nature of the works to the building, this is not considered reasonable in this instance.

4.4 **Conclusion**

- 4.4.1 Whilst the LPA would not object to the permanent use of the buildings for a (Sui Generis) car sales and (Use Class B2 general industrial) car servicing use, subject to several conditions including the Personal Condition set out in this report, and the alterations to fenestration to building 2, it is considered that the proposed retention of the unlawful southern access point is unacceptable to the County Highway Authority, for the reasons set out in its formal comments. Therefore, on the basis that the proposed measures relating to the retention and use of the southern access as a one-way system do not alleviate the historic concerns of the Highway Authority, it is considered that the development is unacceptably harmful to highway safety and adversely impacts the local highway network, contrary to Policy T1 of the Local Plan and Section 9 of the NPPF.

4.5 **Alternative Options**

- 4.5.1 None.

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A.

5.0 **Recommendation**

- 5.1 That planning permission be **REFUSED** for the following reason:

1. A secondary vehicle access exacerbate 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.

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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 4 July 2025	