

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00979/FP	Use of land for residential caravan site for 8 gypsy families including hardstanding and existing lights (development already carried out).	Land To The West Of St Albans Road Codicote Hertfordshire

Submitted Plan Nos

Site Location Plan Site Layout

1.0 Policies

1.0 Relevant History

- 1.1 On 20th September 2011 NHDC issued an enforcement notice in respect of a material change of use of land at Pulmer Water relating to a mixed use as a residential mobile home and caravan site and the storage of vehicles, machinery and equipment including associated works such as hardsurfacing, enclosures, containers, external lighting and other services.
- 1.2 An appeal against the enforcement notice was submitted. On 8th March 2012 an appeal decision was issued granting a temporary planning permission for 5 years. The five-year temporary permission expired on 8 March 2017.
- 1.3 It should be noted that the Inspector allowed the appeal on the basis that at the time the Council could not demonstrate sufficient sites to meet the needs of Gypsy and travellers or demonstrate a five-year supply of such sites. In granting a temporary permission it was anticipated that the Council would resolve this matter through its plan making powers and allocate the necessary sites. It is also worth noting a condition of the appeal decision (condition 2) required that the occupiers of the pitches must meet the then definition of gypsy and travellers in order to contribute to meeting the housing needs of this community. The appeal allowed for six pitches (a pitch consists of one static caravan and one touring caravan per pitch).
- 1.4 18/00794/FP - Change of Use of land to use as a residential caravan site for 8 gypsy families including retention of hardstanding and existing lights. Temporary permission granted on 25.02.21. Condition 1 of this permission stated:

The use of the land for up to 8 pitches (maximum 2 caravans per pitch) for caravans / mobile homes for residential purposes is hereby permitted for the period up until 31 October 2022. At the end of this period and by the expiry date of this permission the use shall cease, all caravans and associated facilities and infrastructure shall be removed from the site and the land reinstated to a satisfactory condition. For the avoidance of doubt the current hard standing on the site shall also be removed by the expiry date of this permission.

Reason: The need for the site for gypsy and traveller accommodation has not been demonstrated and the use of land is inappropriate and therefore must cease within an 18 month period in the long term interest of preserving the openness of the Green Belt within which the site is located.

The temporary planning permission granted under ref: 18/00794/FP has now expired (on 31st October 2022).

2.0 Policies and other relevant planning documents

2.1 **North Herts District Local Plan 2011 – 2031**

Policy SP2: Sustainable Development in North Hertfordshire
Policy SP5 :Countryside and Green Belt
Policy SP6: Sustainable transport
Policy SP8: Housing
Policy HS7 'Gypsies, Travellers and Travelling Showpeople'
Policy D3 'Protecting Living Conditions'
Policy NE9 'Contaminated Land'

Policy CD6: Land at Woodside Place, Danesbury Park Road.
This policy allocates the site for up to 4 traveller pitches.

2.2 **National Planning Policy Framework (2024)**

Generally relevant throughout although the following section is particularly relevant:

- Section 5 'Delivering a sufficient supply of homes'
- Section 13 'Protecting green belt land'

2.3 **Ministry of Housing, Communities and Local Government (MHCLG) - Planning Policy for Traveller Sites (December 2024)**

Relevant throughout and in particular Policy E: Traveller sites in the Green belt

2.4 **Codicote Neighbourhood Plan 2024 - 2031**

The Examination Inspectors report on the Codicote Neighbourhood Plan was published on 14 May 2025. The Inspector has concluded that subject to the policy modifications set out in the report that the Plan meets the Basic Conditions and that once modified the Plan should proceed to referendum on the basis that it has met all the relevant legal requirements.

The Plan, having reached the Referendum stage of preparation, carries significant material weight in the determination of any planning application.

The Referendum will take place on Thursday 14th August 2025.

2.5 **North Hertfordshire Gypsy and Traveller Accommodation Assessment (GTAA) Final Report June 2024**

3.0 Representations

The following representations have been received:

3.1 **Codicote Parish Council:**

Request called in for the following reason:

- Planning permission should have been sought via the usual channel for residential caravans

3.3 Hertfordshire Highways

Advises that Highway Authority considers that the proposal would not have significant impact to the adjacent highway network, hence no objection is offered.

3.3 NHDC Environmental Health

Advises no objections

3.4 NHDC Planning Policy team:

Advises that a GTAA that was commissioned recently does not identify any additional need in the District. The document is publicly available on the webpage and is the most up to date evidence that the Council has at the moment.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site is located at the western edge of the Pulmer Water caravan park off St. Albans Road, Codicote. The site area is approximately 0.35 hectares. To the north of the site is a former quarry and to the south east residential property. The site is within the Green Belt.

The application site is accessed through Pulmore Water caravan park the main access to which is served off St. Albans Road.

Presently on the site (as of July 2025) there are 12 static caravans and one touring caravan.

4.2 Proposal

- 4.2.1 This planning application seeks planning permission for the use of the land as a residential caravan site for 8 gypsy and traveller families each with one caravan or static home.

- 4.2.2 In support of the application the applicant's agent has made the following points within a Planning Statement :-

- The Council is unable to demonstrate a 5 year supply of housing land therefore the 'tilted balance' should be applied whereby planning permission should be granted for proposed traveller sites unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The development of traveller sites is not to be regarded as inappropriate development in the Green Belt, where the Local Planning Authority does not have a five-year supply and, the development will take place on previously developed land or "Grey Belt", i.e. land that does not contribute towards checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; and, preserving the setting and special character of historic towns.
- Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless [my emphasis] the exceptions set out in Chapter 13 of the National Planning Policy Framework apply.

- Paragraph 18 makes clear that the “Golden Rules”, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites. Paragraph 28 states that: if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.
- The Council’s Gypsy and Traveller Accommodation Assessment (GTAA) was published in January 2018 and, is based on information which is now almost 8 years old. It was also prepared at a time when the definition of Gypsy/Traveller was far more restrictive and, found to be unlawful.
- There is an identifiable need for traveller pitches and the Council is unable to demonstrate \ five year supply of deliverable land for travellers
- The development plan policies are out of date and planning permission should be granted.
- The site constitutes ‘Grey Belt’ , fully complies with paragraph 155 of the NPPF and is not inappropriate development.
- Policy HS7 criteria are satisfied
- The site is well screened from public vantage points and is not prominently located or obtrusive in the landscape.

4.3 Key issues

4.3.1 The key issues in the consideration of this application are considered as follows:

- Planning Policy
- The impact of the development on the green belt
- The impact of the development on the character and appearance of the area
- Living conditions
- Highway issues
- Sustainability
- The Planning Balance

4.3.2 Planning Policy

4.3.3 Planning Policy

The Government’s Planning Policy for Travellers sites (PPTS) (December 2024) is a key national planning policy document applicable in this case. In addition, paragraphs 153 - 155 of the NPPF are relevant in that they set the test and general criteria for considering development within the Green Belt. Paragraph 63 of the NPPF also advises that the size, type and tenure of housing needed for different groups (including travellers) should be assessed and reflected in planning policies.

4.3.4 Paragraph 16 of the PPTS 2024 states that:

‘Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances’

4.3.5 The supporting statement states that there is an unmet need for travellers' sites in the district and that the Council does not have a 5-year supply of housing land (5YHLS).

4.3.6 Paragraph 153 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The North Hertfordshire District Council Local Plan 2011 - 2031 contains one relevant policy– Policy SP5 'Countryside and Green Belt' which reflects the general thrust of paragraphs 153 - 155 of the NPPF in terms of very special circumstances being required to justify inappropriate development.

4.3.7 The existing development does not meet any of the exceptions to inappropriate development as set out in paragraphs 154 of the NPPF including 'g) limited infilling or the partial or complete redevelopment of previously developed land'. The existing structures are mobile homes that can be brought on or off the site as and when required and cannot be considered permanent structures. There is a large area of hardstanding but these are not lawful. Planning permission reference 18/00794/FP required the removal of operational development associated with the use of the land for the siting of caravans including hardstanding by 31 October 2022. The site does not therefore meet the definition of PDL as set out in the Glossary (Annex 2) of the Framework.

4.3.8 The applicant's agent makes the case that the development is not inappropriate development because the Council does not have a 5YHLS. That is not a correct interpretation. The use remains inappropriate development unless it meets the exceptions set out at NPPF paragraphs 154 & 155. Therefore very special circumstances must exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The applicant sets out material considerations to justify the development in Green Belt terms. Taking these in turn I comment as follows:

a) Five-year housing land supply (5YHLS)

Whilst the Council does not have a 5-year supply of deliverable housing land, the Council has demonstrated through its GTAA (2024) that it has an up-to-date supply of traveller sites.

b) Previously development land (PDL)

The development does not meet the definition of PDL as explained above.

c) Grey Belt

Paragraph 155 requires Grey Belt land to meet three criteria so as not to be regarded as inappropriate development in the Green Belt. Whilst the development may not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan (criterion a), there is no demonstrable need for the traveller accommodation as evidenced by the Council's GTAA therefore criterion b) is not met. It is doubtful whether the development can be considered in a sustainable location as

there are no bus services that run past or near to the site and it is more than a 900 metre walk along an unlit and rising in level rural lane with no footpaths to reach the edge of Codicote village. Such a route would not be suitable for disabled people or children and would discourage most other people from walking. Public footpath Codicote 023 provides an off-road option for part of the route into the village but this is across open fields with no made surface or lighting and therefore not a viable or practical alternative. Criterion c) is also not met. Criterion d) is not relevant as the development is not a 'Major' development. In conclusion the development fails to meet b) and c) of the criteria set out in paragraph 155 of the NPPF and therefore it is inappropriate within the Green Belt, even if it was considered to utilise grey belt.

d) The needs of children

The best interests of children, as a possible factor to outweigh harm to the Green Belt, is not put forward by the applicant as counting towards very special circumstances.

e) The requirements of Policy HS7 'Gypsies, Travellers and Travelling Showpeople'

The development does not satisfy several of the criteria of this policy as follows:

- a) It does not satisfy a demonstrated local need;
- b) It has not been proven that the occupants meet the planning definition; and
- c) Local services cannot be accessed easily.

- 4.3.9 There are no compelling material considerations that together constitute very special circumstances that clearly outweigh the harm to the Green Belt arising from the inappropriateness of the development.

The impact of the development on the Green Belt purposes and openness

- 4.3.10 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

- 4.3.11 Apart from harm by way of inappropriateness the development is contrary to one of the five purposes of Green Belts i.e. it would fail to assist in safeguarding the countryside from encroachment – as referred to in paragraph 143 c) of the NPPF.

The retention of 8 caravans and associated hardsurfacing and ancillary structures significantly changes the open character of the site from a spatial perspective. As the site is screened from public vantage points (St Albans Road) by vegetation and existing buildings/caravans there is limited impact upon openness from a visual perspective.

- 4.3.12 There is no doubt that the continued the use of the site for gypsy and traveller

accommodation including the associated structures constitutes inappropriate development in the Green Belt and that it is harmful to openness. It is also contrary to one of the five purposes of the Green Belt in that it leads to encroachment into the countryside. The development fails to comply with the fundamental characteristic of Green Belts which is their openness and their permanence.

4.3.13 The impact on the character and appearance of the area

I am satisfied as was the Inspector who examined the appeal in 2017 that there are no additional harms to the character and appearance of the area other than harm to Green Belt and openness.

4.3.14 The development is not inconsistent with the general density of the surrounding residential property. However, features of the site such as the high boundary fencing and gates are not consistent with the prevailing pattern and form of development and as such do detract from the character and appearance of the locality.

Living conditions

4.3.15 I consider that living conditions on site to be satisfactory and no unacceptable harms to surrounding properties are identified beyond impact on openness which clearly effects the enjoyment of surrounding countryside.

4.3.16 The living conditions of both the applicants living on the site and the surrounding residents are considered to be acceptable

Highway issues

4.3.17 In terms of parking provision, the submitted site layout plan indicates a turning area within the site so that cars can leave in forward gear and there would be two parking spaces for each dwelling within the site. Refuse collection is via a kerbside collection and the required amount of refuse and waste recycling bins can easily be accommodated on the site.

4.3.18 The Highway Authority considers that the use would not have an unreasonable impact on the safety and operation of the adjoining highway. Given this advice it is concluded that there are no highway grounds on which to object to the development or use.

Sustainability

4.3.19 For the nature of the use I do not consider that an argument can be justified to refuse planning permission on the grounds of sustainability.

4.3.20 The economic, social and environmental objectives necessary to achieve sustainable development as required by paragraph 11 of the NPPF can be delivered as part of this development.

BNG / Climate change

4.3.21 As a retrospective application this development is exempt from the need to achieve a 10% biodiversity net gain under the Environmental Act 2020. The development has no major impact on local climate change.

4.3.22 No impact on the natural environment or climate change

The Planning Balance

4.3.23 The use of the land as a residential caravan site, together with associated structures is inappropriate development in the Green Belt and there would be a loss of openness and encroachment into the countryside. Significant weight must be attached to this harm. Consideration should therefore be given as to whether this harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.3.24 The Council has allocated a site at Danesbury Park Road, Pottersheath for four additional Gypsy and Traveller pitches to meet its identified needs in the Local Plan period (2011 – 2031) . This is site CD6.

4.3.41 As the recent Council GTAA assessment by ORS (June 2024) confirms, the Council no longer identifies any need for 8 gypsy and traveller pitches on this site at Pulmore Water.

4.3.42 I am satisfied that there is no demonstrable housing need for the retention of the existing accommodation therefore this weighs substantially against the development

4.3.43 It is acknowledged that the site is reasonably well screened from public vantage points and is not obtrusive in the landscape. It is also the case that the development provides reasonable living conditions for the current occupiers and the highway authority do not raise any objections on highway safety grounds. However, I can only attribute limited weight to these benefits.

4.3.44 The Council has adopted its Local Plan in November 2022 after a thorough and protracted Local Plan examination where it was found to have a sound basis for its Gypsy and Traveller accommodation strategy which included removing the site as an allocated gypsy and traveller site following an evidence-based approach to need over the Plan period. More recently the Council has updated its Gypsy and Traveller Accommodation Assessment in 2024 to confirm its strategy and accommodation need for the remainder of the Plan period.

4.3.45 In the absence of housing need for the development and given the great importance that the Government attaches to Green Belts in the NPPF I conclude that the development conflicts with LP Policies SP5 and HS7. However, if these local plan policies are considered out of date relating to this development, it is considered that the adverse impact of the development by reason of inappropriateness and loss of openness demonstrably outweighs the benefits when assessed against the policies in the Framework as a whole and these policies provide a strong reason for refusal of planning permission. Accordingly, the development should be refused planning permission.

4.3.46 Enforcement action and the Equality Act 2010

4.3.47 The LPA has suspended any enforcement action with respect to the unauthorised occupation of this site until the outcome of this planning application is known. If this application is refused planning permission the applicant will have the right of appeal. The LPA will need to consider whether it is expedient to commence enforcement action and if so when taking into account the right of appeal and the protected characteristics of the Gypsy and traveller community. Public authorities have a legal duty under the Equality Act 2010 to consider how their actions might impact people with protected characteristics including Gypsies and Travellers.

5.0 Alternative Options Considered

5.1 There are no realistic alternatives in my view to the refusal of planning permission. The site has benefitted from two periods of temporary planning permissions for this type of use and the Council has an adopted Local Plan and an up to date Gypsy and Traveller Accommodation Assessment.

6.0 Conclusion

6.1 That planning permission be refused for the reasons set out.

7.0 Recommendation

7.1 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 development does not fully comply with the exemption criteria set out under paragraphs 154 and 155 of the NPPF. Furthermore, the development results 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 development does 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. By reason of its location within the Green Belt, remoteness from local services and the lack of need for this type of residential accommodation as evidenced by the Council's Gypsy and Traveller Accommodation Assessment (2024) the development is considered to be contrary to the provisions of Policy HS7 of the North Herts Local Plan 2011 - 2031.

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: 10 July 2025	