

Our Ref: LF/ms/24055_03

13 May 2025

Ms S Burke
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN



**Barker Parry Town
Planning Ltd**

33 Bancroft, Hitchin,
Herts SG5 1LA

T: 01462 420 224
E: office@barkerparry.co.uk
W: www.barkerparry.co.uk

Dear Ms Burke

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 handstanding 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.

Appeal Reference: APP/X1925/W/25/3363556

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 appeal submission.

Location of the Development

The Appellant has referenced the nature of Codicote, as a village with some facilities. This is a spurious reference as the site is located some 3 miles north of Codicote and is only accessible via the car. The site does not benefit from any of the facilities within nearby settlements.

The site is located within the designated Green Belt. The Appeal Statement suggests that there are no known environmental designations on the site, however the red line boundary incorporates Church Wood and Crouchgreen Wood both of which are Local Wildlife Sites.

Steven Barker
Director
MA (Cantab) MA

Liz Fitzgerald
Managing Director
BA (Hons) Dip TP MRTPI

Registered
England & Wales No. 5314018.
Registered Office same as
office address

Precedent Development

The information provided in respect of precedent development is misleading.

Applications 19/00777/LDCE and 10/00021/LDCE are lawful development certificates. The Local Planning Authority are not therefore in a position to comment on the acceptability of those uses, but only on the evidence submitted to demonstrate that they are now exempt from enforcement action.

This is not comparable to this appeal site, as the use of the land and associated works were raised with the enforcement team by local residents and an application submitted.

Application 06/01569/1 was essentially a temporary permission, which has now ceased and the site re-developed for residential development.

There are no precedent examples therefore presented, as each has its own nuance and differences from the Appeal site.

Proposed Development

The Appellant continually fails to reference the extensive external storage that has been occurring on the wider site. The red line boundary is not limited to the buildings and hard surfaced areas but includes a much wider landholding that has been used for open storage.

Development within the Green Belt

Since the original submission of the application that is now subject to this appeal, the NPPF has been updated, and paragraph 155 introduces the concept of grey belt. The definition of grey belt is set out in the glossary, it states:

"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."

It is agreed that the site does not strongly contribute to purposes (a), (b), or (d). The Appellant fails to address the restrictions associated with footnote 7.

Footnote 7 refers to a variety of types of habitats, the most relevant to this Appeal is irreplaceable habitats. As stated in the NPPF glossary, irreplaceable habitats include ancient woodland.

As set out in the Appellant's submitted Preliminary Ecological Assessment (PEA) (Ref: ECO85), Crouchgreen Woods is designated for its ancient hornbeam woodland habitats and evidence of ancient and old-secondary woodland canopy. Church Wood is designated for its ancient woodland habitat.

The PEA is based on a much narrower application site boundary, excluding the ancient woodlands, and does not therefore consider the impact of the fencing and SuDs pond on the ancient woodland within which they are situated.

Paragraph 5.2 advises that the development could negatively affect the woodland and its flora and fauna. The PEA is predicated on development having not commenced, which is clearly not the case, and has no regard to the impact of the long term use of the site on the woodland. It similarly has no regard to the widening of the access, the impact of additional hard surfacing in the area or traffic movements along narrow roads and into the verges that form part of this woodland habitat.

In order to demonstrate that there would be no strong reason for refusal due to impact on the ancient woodland, as required by the grey belt definition, the Appellant would need to submit a full PEA that addressed the entire site extent shown on plan reference GA12 Rev 5, the nature and extent of movements to and from the site, the proposed passing bays along Three Houses Lane, the open storage on the wider land, along with the fencing and SuDs pond that are physically located within the woodland.

It is our opinion that the proposed development would fail the tests in NPPF paragraph 193 c) which states:

"c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there a wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists;..."

This development does not fall within any of the exceptional reasons set out in footnote 70.

There has already been damage to this woodland as a result of this unauthorised development as a result of the fencing and digging of the pond. It has been further exacerbated by the widening of the access road and is impacted daily by the large vehicles that access the site and are continually eroding the verges and tree canopies.

There is therefore considered to be a strong reason for refusal pursuant to footnote 7 and as such this site is not defined as grey belt.

Should we be incorrect and the site is considered to fall within the definition of grey belt, we must consider the remaining test set out in NPPF paragraph 155, which relate to the proposed development meeting an unmet need and is in a sustainable location (when having regard to NPPF paragraph 110 and 115).

Unmet Need

The Appellant has provided no information to demonstrate that there is an unmet B8 storage and distribution provision within North Hertfordshire.

It is agreed that the evidence base for the now adopted Local Plan is out of date and cannot be relied upon, but it is not correct that reliance can be placed on paragraph 4.37 of the Local Plan to demonstrate an unmet need. It would be normal practice for an Appellant/applicant to commission an assessment of need within the District to demonstrate an unmet need.

D&A Engineering appear to be an architectural metalwork company based in Hemel Hempstead within Dacorum Borough Council. Unfortunately, this is an assumption as neither the application submission nor this appeal submission provide any clarity on the nature of the business, the need for this B8 site, or the nature of the operation on the site.

Figure 11 of the Appeal Statement shows a particular narrow catchment area that has been considered, with no explanatory text setting out why this catchment is required, or why the business needs to be in this sensitive location.

At the least the catchment should be North Hertfordshire wide, or potentially even further given the potential location of the main outlet in Hemel Hempstead. This would open up more appropriate sites in Hertfordshire generally.

As can be seen from the below extract from Rightmove (9 May 2025), when limiting the options to land, industrial sites and farms for sale, there are a significant number of sites that should be considered as alternatives to this Appeal Site. This is increased when 'to let' options are included.

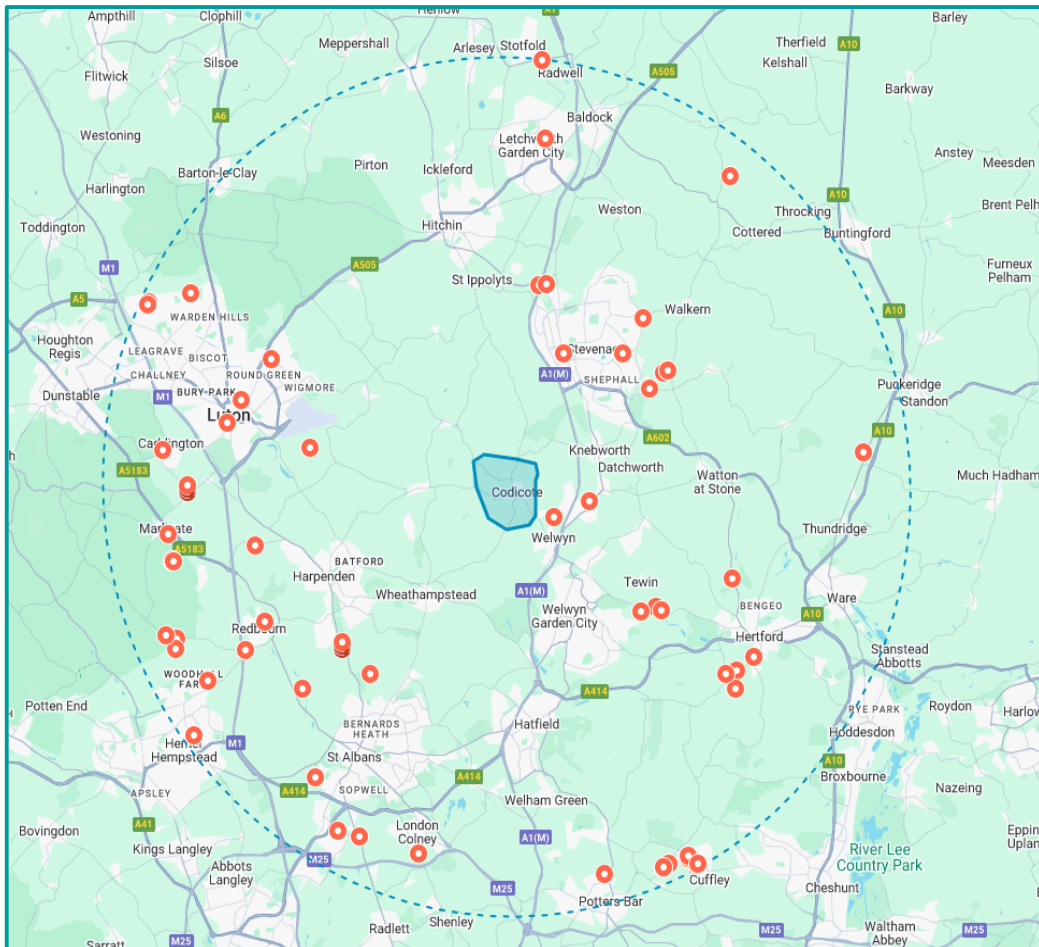


Figure 1: Extract from Rightmove (9 May 2025)

There is no demonstrable unmet need for this development to enable the paragraph 155 tests to be met and it certainly could be met in an alternative location if there were an unmet need.

Sustainable Location

It is acknowledged that NPPF paragraph 110 does advise that the ability to maximise sustainable transport solutions will differ between an urban and rural

location, however this scheme offers no sustainable transport solutions. The Appellant references the provision of cycle storage on site, but no details have been provided. Moreover, is anyone going to realistically cycle to work in this location, along unlit single width roads to the nearest station at Knebworth, some 2.8 miles away, faced with oncoming vehicles. As can be seen below, cyclists are faced with conflicts between HGV's and cars and oncoming HGV's with insufficient road width for them to pass. This is not a safe road environment for commuters on bicycles, particularly in the winter months.



Figure 2: HGV reversing in Three Houses Lane (without a banksman as HGV drivers are always on their own) having missed the entrance to the Appeal Site and having nowhere to turn round



Figure 3: HGV reversing in Three Houses Lane (without a banksman as HGV drivers are always on their own) having missed the entrance to the Appeal Site and having nowhere to turn round

The nature of the operation itself cannot assist in making this a sustainable location, i.e. generates limited movements and is therefore sustainable by its nature. Unfortunately, the Transport Assessment is of little assistance, this is based on average TRICS data and incorrect floor areas. There are proposed to be 10FTE staff per day, along with HGV movements, for which there is no indication as to how many there may be across the day.

Given the lack of information provided around the use of the site and associated movements, it is bold for the Appellant to assert that the proposal will reduce vehicle movements to and from the site.

Barker Parry obtained the planning permission for the last barn to be erected on this site. The use of the site was very low key, largely the storage of straw/hay and farm equipment not required on a daily basis. It was not accessed daily and provided an ancillary function to the main farmstead. This is supported by the submitted Transport Assessment that states at paragraphs 5.2 and 5.3:

"The TRICS database does not provide trip generation data for agricultural or storage based uses, however from experience it is understood that agricultural and

storage land uses can generate seasonal movements of a variety of vehicles, including but not limited to tractors, trucks and occasionally large agricultural vehicles.

The existing trip generation is expected to be fairly low, however would consist almost entirely of HGVs or agricultural vehicles. Vehicles such as the aforementioned with low acceleration and top speeds are likely to lead to high levels of disruption on the local highway network when in use."

Residents can confirm that it was agricultural vehicles and not HGV's accessing the site.

This 'fairly low' trip generation should be compared to the 10 FTE and additional multiple HGV movements per day. This is not a reduction in traffic movements but a significant increase.

Having regard to the cumulative paragraph 155 tests, it is not considered that the proposal accords with these tests and can only therefore be considered to be inappropriate development within the Green Belt.

Green Belt Openness/VSC Test

As the proposal is not considered to be grey belt development, 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.

The Appellant has provided no evidence pertaining to this NPPF paragraph and is relying wholly on the Appeal Site being considered as grey belt.

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 addition to 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 there 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.

Overall, it can be concluded that the proposed development is not grey belt development, is unacceptable development in the Green Belt in respect of its impact on openness and fails to advance any *very special circumstances*.

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 images.



Figure 4: Drone image taken December 2024



Figure 5: 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.

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.



Figure 6: Movements Along Three Houses Lane - 1



Figure 7: Movements Along Three Houses Lane - 2



Figure 8: 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 Appellant's Statement of Case suggests that a highways rebuttal is submitted with the appeal, however this has not been made publicly available.

The Appellant asserts that there was no limit on the agricultural movements associated with the site, which may well be true, but as their own Transport Assessment states, the level of movements was likely to be fairly low and seasonal. There would never need to be the extent of movements now proposed and certainly not 10FTE permanently located on site.

Moreover, agricultural vehicles are expected in rural locations, not large HGV's associated with an industrial use. The nature of vehicles suggested by the Appellant in figures 14 and 15 are completely implausible, aside from anything, they would not simply fit down the road network, so would not be used.

The Appellant has suggested a contribution towards the creation of passing bays along Three Houses Lane, with no consideration as to location or impact and has not provided any S106 Agreement or Unilateral Undertaking to secure such works.

The nature of the movements associated with the former agricultural use and provision of passing bays are purely hypothetical and unrealistic and not secured.

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. Whilst it is not clear from the documentary 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, Industrial type mesh fencing (and non-native cherry laurel hedging) has already been introduced along the whole of the site's perimeter in Three Houses Lane as well as the return frontages abutting neighbouring farmland and domestic properties, including "The Node" grounds (which are designated parkland and include the Grade 2 Peach House adjacent the

site). 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 Appellant argues that agricultural buildings can be extended under Permitted Development rights, however, this depends on the size of the land holding and the nature of the building. Regardless, the buildings have not been extended for agricultural purposes.

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 was not supported by any tree information, which was 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:



Figure 9: Showing tree removals

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.

Ecological Impact

The site is located within a kilometre of nine individual wildlife sites. Two of those sites are within the site itself by virtue of the red line boundary.

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 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. The Appeal Statement continues to rely on this PEA regardless of its lack of relevance to the correct site area and that it has no regard to the impact on the ancient woodland adjacent.

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.

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 was distinctly lacking in information to enable any meaningful assessment to be made on key areas and was refused.

The works undertaken to date constitute a criminal offence, as well as extensive unauthorised works within the Green Belt.

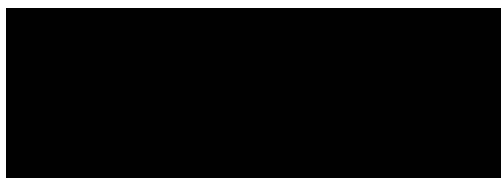
This is a completely inappropriate location for a use of this nature and should be sited in an appropriate employment area not in a rural area off a single width road.

The proposal fails all the Green Belt and grey belt tests, it is inappropriate development in this location and would set a dangerous precedent if this Appeal is allowed.

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 respectfully request that this appeal be dismissed as soon as possible to allow the necessary enforcement action to be taken before irrevocable harm really does arise.

Yours sincerely



LIZ FITZGERALD

Managing Director

