



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CHN115
Farnham House
Six Hills Way
Stevenage
SG1 2ST

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

North Hertfordshire Council
Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

District ref: 25/01846/FP
HCC ref: NH/28035/2026
HCC received: 10 August 2026
Area manager: Manjinder Sehmi
Case officer: Senober Khan

Location

Land Adjacent 2 And 3 Wells Cottages, Smiths End Lane, Barley, Hertfordshire, SG8 8LJ

Application type

Full Application

Proposal

AMENDED PROPOSAL/ADDITIONAL INFORMATION

Full Planning Permission : Change of use of 2 two-storey commercial units to No.2 residential dwellings and erection of bike sheds

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The HA remains concerned that future occupiers choosing to access public transport, local services or facilities on foot would be required to walk along an unlit rural carriageway with no footway provision. The information submitted does not demonstrate that this route is safe, inclusive, convenient or attractive for pedestrians in accordance with Policies TR3, TR4, DP3 and TR8 of the NPPF 2026.

Highways comments:

The Highway Authority (HA) has reviewed the additional Highways Response Note submitted by the applicant and remains concerned that the proposal has failed to demonstrate safe, suitable and realistic opportunities for travel by non-car modes. Whilst the additional submission provides contextual information regarding the rural nature of the site and surrounding area, it does not directly address the basis of the HA's objection.

The Local Planning Authority (LPA) has confirmed that the site lies outside a defined settlement. The HA acknowledges that Policy S5 of the National Planning Policy Framework (NPPF) 2026 identifies certain forms of development that may be acceptable outside settlements, including the redevelopment of previously developed land. However, development proposals outside settlements must still be assessed against the wider transport and placemaking policies of the NPPF, including Policies TR3, TR4, DP3 and TR8.

Sustainable accessibility

The applicant contends that the proposal would generate a very limited number of trips and would not materially alter existing conditions. The HA accepts that the proposal would not generate a significant level of traffic and that the residential use is likely to result in traffic levels comparable to, or lower than, the existing commercial use. The HA also accepts that the proposal would not result in a severe impact on the operation of the highway network.

However, the HA's concern does not relate to traffic generation, congestion or network capacity. The concern is whether future occupiers would have a genuine choice of transport modes and whether realistic opportunities exist to access local facilities and public transport safely by non-car modes, having regard to Policy TR3 of the NPPF.

The applicant's original transport case relied in part upon the proximity of the Richmond's Garage bus stops to the site. The HA's concern remains that the applicant has not demonstrated that the route connecting the site to these bus stops provides a safe, suitable, convenient or inclusive pedestrian environment.

Pedestrian safety

The applicant acknowledges that Smiths End Lane does not benefit from footways or street lighting. Pedestrians travelling between the site and nearby bus stops, services or facilities would therefore be required to walk within the carriageway of an unlit rural road.

Whilst the HA accepts that the proposed accesses, visibility splays, parking arrangements and vehicle manoeuvring areas are satisfactory, this does not mean that no highway safety concerns remain. The remaining concern relates specifically to the safety and suitability of conditions for pedestrians who may choose to walk from the site.

Policy TR4(1)(c) of the NPPF requires development to help create routes and environments that are safe, inclusive and attractive for all users, including disabled people, older people and children. Policy TR4(1)(a) further seeks to prioritise walking, wheeling and access to public transport, whilst Policy DP3(2)(d) requires transport choices which prioritise walking, wheeling, cycling and public transport. Policy TR8 seeks accessible, safe and convenient links to services and public transport facilities.

The applicant has not provided any assessment of:

- pedestrian route quality;
- pedestrian visibility;
- vehicle-pedestrian interaction;
- carriageway width constraints;
- suitability for disabled users;
- suitability for older people and children; or
- conditions during periods of darkness.

Accordingly, the applicant has failed to demonstrate that the route between the site and local facilities or public transport accords with the objectives of Policies TR3, TR4, DP3 and TR8 of the NPPF.

Personal injury collision (PIC) data

The applicant has submitted PIC data indicating that no recorded injury collisions have occurred within 500m of the site during the period reviewed.

The HA does not consider this evidence sufficient to demonstrate that the route is safe, suitable or attractive for pedestrian use.

The absence of recorded injury collisions is not unexpected in circumstances where the site and surrounding area appear likely to be heavily reliant upon private vehicle travel and where pedestrian activity is likely to be very limited. A lack of recorded collisions may simply reflect a lack of pedestrian exposure rather than demonstrate that conditions are suitable for regular pedestrian movement.

Furthermore, the HA's assessment is not based solely on historic collision records. The purpose of the assessment is to determine whether future occupiers can safely and conveniently access facilities and public transport by non-car modes. In this regard, the applicant has not provided sufficient evidence to demonstrate that the route is suitable for everyday pedestrian use, particularly by vulnerable users.

Rural context

The HA accepts that the site is located within a rural environment and acknowledges that formal footway provision is not uncommon to be absent within such locations. However, the HA's objection is not based solely upon the absence of a footway.

Policy TR3(1)(e) recognises the particular circumstances of rural areas but still requires opportunities to improve walking, wheeling, cycling and public transport connectivity to be taken where they exist and can be supported by the development proposed.

The issue in this case is that the applicant has not demonstrated that future occupiers can reasonably access public transport, shops, services or facilities on foot in a manner that is safe, inclusive and convenient. Rather than assessing the quality and suitability of the route, the submission largely seeks to justify existing conditions.

Previous planning permissions

The applicant refers to several planning permissions within the wider Barley area.

The HA notes that every planning application must be determined on its own merits and having regard to the prevailing development plan and national policy framework. The examples cited do not demonstrate that identical transport circumstances existed, nor do they demonstrate compliance with the transport policies of the NPPF 2026. Accordingly, limited weight can be attached to these examples.

Previously developed land

The HA acknowledges that the proposal involves the reuse of existing buildings and may fall within a category of development referred to under Policy S5(1)(d) of the NPPF.

However, Policy S5 does not override or disapply the transport policies of the Framework. The fact that development may be acceptable in principle outside a settlement does not remove the requirement to demonstrate compliance with Policies TR3, TR4, DP3 and TR8.

The location of the site outside a defined settlement increases the importance of demonstrating realistic opportunities for travel by non-car modes. The applicant has not done so.

Conclusion

The HA acknowledges that:

- visibility splays are acceptable;
- access arrangements are acceptable;
- parking and turning arrangements are acceptable;
- drainage proposals are acceptable in principle;
- traffic generation would be limited; and
- the proposal would not result in a severe impact on the highway network.

However, the applicant has failed to demonstrate:

- safe pedestrian access to public transport;
- safe pedestrian access to local facilities;
- a genuine choice of transport modes;
- an inclusive route suitable for all users; or
- realistic opportunities for sustainable travel from this location outside a defined settlement.

The HA remains concerned that future occupiers choosing to access public transport, local services or facilities on foot would be required to walk along an unlit rural carriageway with no footway provision. The information submitted does not demonstrate that this route is safe, inclusive, convenient or attractive for pedestrians in accordance with Policies TR3, TR4, DP3 and TR8 of the NPPF 2026.

Recommendation

The Highway Authority maintains its objection to the proposed development.

Signed

Senober Khan

27 August 2026