

Bly Developments Limited

**Land at Nup End Farm, Nup End, Old Knebworth, Hertfordshire, SG3
6QJ**

**Planning Statement – Retention of 8 No. Storage Containers for Commercial
Storage Purposes (Use Class B8)**

Prepared on behalf of:

Bly Developments Limited

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1.0 INTRODUCTION

- 1.1 This Statement is submitted to accompany an application in full for the retention of 8 no. storage containers for commercial storage purposes (Use Class B8) on land at Nup End Farm, Nup End, Old Knebworth, Hertfordshire (“the site”). The containers are in situ and the application seeks retrospective planning permission for their retention and continued use.
- 1.2 The application is accompanied by:
- A Site Location Plan;
 - A Site Layout Plan showing the position of each container;
 - Container elevation, floor plan and roof plan drawings NEF-SC-20-ELEV-001 and NEF-SC-40-ELEV-001;
 - Site Photographs;
 - A Heritage and Views Note comprising annotated photographs;
 - Storage Demand Evidence, comprising correspondence with commercial agents and a schedule of storage and industrial accommodation available within the search area; and
 - Copies of the relevant decision notices and the appeal decision referred to in this Statement.
- 1.3 This Planning Statement assesses the proposal against the adopted development plan and the National Planning Policy Framework, August 2026 (“the Framework”), with particular reference to the Green Belt policies in Chapter 13 (policies GB1 to GB8). It demonstrates that the development is not inappropriate development in the Green Belt, principally by operation of policy GB7(1)(g) of the Framework (development on grey belt land). Furthermore, very special circumstances exist for the purposes of policy GB6(2). The Statement concludes that the proposal accords with the Framework and Development Plan when read as a whole and should be approved.

2.0 THE SITE

- 2.1 Nup End Farm lies at Nup End, which forms part of the village of Old Knebworth, with the holding lying to both sides of Park Lane. The site is owned by Bly Developments Limited (“the Applicant”).
- 2.2 To one side of Park Lane lies Nup End Business Park, which occupies the former farmyard and has been in established commercial use for many years. Directly opposite, and served by its own existing access onto Park Lane, lies the farm side of the holding, on which stand two farm buildings: a substantial building of approximately 50 metres by 25 metres, permitted under reference 20/01394/FP, and a further agricultural building under construction pursuant to planning permission 22/02706/FP. A stables block and grassland complete the holding.

- 2.3 The containers the subject of this application are sited on the farm side of the holding, within the yard area served by the existing access. Their positions are shown on the Site Layout Plan at Appendix B. They occupy a contained position between Park Lane and Nup End Business Park to one side, and the two agricultural buildings at Nup End Farm to the other, so that they sit within, and are read against, the existing built form on both sides of the lane rather than against open countryside. The Park Lane frontage is screened by an established hedgerow which encloses this part of the holding and restricts views of the containers from the public highway.
- 2.4 Nup End is physically and visually related to Old Knebworth, the built form of which continues to the north east, and the Council's own Green Belt evidence base treats the two together, recording that the Green Belt washes over Old Knebworth and Nup End Green and that sensitive infill has retained the distinctive character of the village. In allowing an appeal for residential development at Nup End Farmhouse immediately opposite the site (APP/X1925/W/21/3274409, decision dated 18 March 2022, appended at Appendix F), the Inspector found that, due to a distinct lack of transition in the built environment, that site has a very close relationship with Old Knebworth as a settlement, forming part of its character as a village location, and that it is physically and visually related to Old Knebworth. Codicote lies approximately 1.2 kilometres to the south west. Bus stops on The Green, some 75 metres to the north, provide services to Stevenage and Luton. Knebworth, which provides shops, a school, a doctors' surgery and a mainline railway station, lies approximately 2.8 kilometres from the site on foot via public rights of way and approximately 2.7 kilometres by cycle on public roads.
- 2.5 The Landscape and Visual Impact Assessment and Green Belt Review material previously prepared in respect of development at Nup End record that the buildings at Nup End Farm, the Business Park and Clovertop form a compact and well contained grouping, enclosed by mature hedging with a clearly defined edge, within which sensitively contained development has been found to have a negligible effect on the wider countryside and on the openness and grain of the Green Belt.
- 2.6 The site lies within the Metropolitan Green Belt as defined by the North Hertfordshire Local Plan 2011-2031. It is not subject to any landscape, ecological or flood risk designation. The heritage assets in the vicinity of the site are addressed at Section 7 below.

3.0 THE PROPOSAL

- 3.1 The proposal comprises the retention of 8 no. steel storage containers of standard specification, sited as shown on the accompanying Site Layout Plan, for commercial storage purposes falling within Use Class B8. The application site extends to 870 square metres (0.087 hectares). One of the eight units (C7) is, at the date of this Statement, temporarily positioned elsewhere within the Applicant's landholding and will be returned to the position shown on the Site Layout Plan, for which permission is sought.

- 3.2 The containers provide small-scale, secure, self-contained and affordable storage accommodation serving local business storage needs.
- 3.3 No new buildings, engineering operations, external lighting or open storage form part of the proposal. The containers stand unattached on an existing permeable surface formed of tarmac planings, so that no foundations, impermeable surfacing or drainage works arise and no surface water drainage issue is engaged. They are of single-storey scale, substantially below the height of the adjoining farm buildings, and are demountable structures capable of removal from the land without residue. The development is therefore wholly reversible.
- 3.4 The Applicant is content for any permission to be subject to conditions controlling the number, siting, use and appearance of the containers. A schedule of suggested conditions is provided at paragraph 7.25 of this Statement.

4.0 BACKGROUND AND PLANNING HISTORY

- 4.1 The containers were first brought onto the holding by the Applicant for use in connection with the construction of the agricultural buildings at Nup End Farm, providing secure storage on site for tools, plant and materials during the works. On completion of that phase of works they were retained and used for the storage of equipment and materials in connection with the farm.
- 4.2 The Applicant was subsequently approached by local businesses which were unable to find small-scale secure storage accommodation in the area and which asked whether space at Nup End Farm could be made available to them. The Applicant made a number of the containers available in response to that approach. At that time the Applicant did not appreciate that the siting and use of the containers required planning permission, the containers being demountable units standing on an existing surface within an established working yard, and no permission was therefore sought.
- 4.3 The need for planning permission was subsequently raised by the Council, and this application has been prepared and submitted in order to regularise the position. Policy DM8(2) of the Framework directs that substantial weight be given where, on the evidence, unauthorised development is found to have been intentional. The sequence of events set out above does not support such a finding: the containers were introduced for purposes connected with the farm, their use by third parties arose in response to approaches from local businesses, and the requirement for permission was addressed as soon as it was raised.
- 4.4 The planning history of most relevance to this application is planning permission 22/02706/FP for an agricultural building at the site, which is under construction. The farm holding is in active agricultural use and investment.
- 4.5 Appeal APP/X1925/W/21/3274409, in respect of the erection of three dwellings at Nup End Farmhouse immediately opposite the site, was allowed on 18 March 2022. The Inspector's

findings on the relationship of this location to Old Knebworth and on the sustainability of the location are relied upon at paragraphs 7.4 and 7.10 of this Statement, and the decision is appended at Appendix F.

5.0 PLANNING POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The development plan comprises the North Hertfordshire Local Plan 2011-2031, adopted in November 2022. The policies relevant to this proposal are: Policy SP1 (Sustainable Development in North Hertfordshire); Policy SP2 (Settlement Hierarchy); Policy SP5 (Countryside and Green Belt); Policy SP6 (Sustainable Transport); Policy SP13 (Historic Environment) and Policy HE1 (Designated Heritage Assets); Policy D1 (Sustainable Design); Policy D3 (Protecting Living Conditions); and Policies T1 (Assessment of Transport Matters) and T2 (Parking).
- 5.3 Policy SP2 sets out the settlement hierarchy. It expressly lists Old Knebworth as one of the Category B villages in which infilling development which does not extend the built core of the village will be allowed. The supporting text confirms that, for Category B villages, the Plan does not define a settlement boundary or the extent of the built core, and that the Council considers it should be possible to assess on a case-by-case basis whether a site is in the built core. Policy SP1 records that the Council will take a positive approach which ensures it can continue to permit the significant majority of planning applications for new development and commits at SP1(b) to ensuring the long-term vitality of the District's villages by supporting growth which provides opportunities for existing residents and sustains key facilities. Policy SP5(c) provides that the Council 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. Its supporting text confirms that proposals for development within the Green Belt will be considered against national policy, and that where the proposed use can be considered acceptable in principle the detailed policies of the Plan are then used to determine whether permission should be granted. Policy SP5 therefore takes its content from national Green Belt policy and falls to be read consistently with it. The Local Plan predates the August 2026 Framework, which replaced the version published in December 2024, and contains no provisions relating to grey belt. The grey belt provisions of the Framework accordingly fall to be applied directly as the most recent expression of national policy, attracting substantial weight. Development which national policy establishes as not inappropriate in the Green Belt accords with Policy SP5.
- 5.4 National Green Belt policy is set out in Chapter 13 of the Framework. The objective of that chapter is to prevent urban sprawl by keeping land permanently open, the essential features

of the Green Belt being its openness and permanence. Policy GB2(1) identifies the five Green Belt purposes: (a) checking the unrestricted sprawl of large built-up areas; (b) preventing neighbouring towns from merging; (c) assisting in safeguarding the countryside from encroachment; (d) preserving the setting and special character of historic towns; and (e) assisting urban regeneration by encouraging the recycling of derelict and other urban land.

- 5.5 Policy GB6(1) provides that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7. Policy GB6(2) provides that inappropriate development is by definition harmful and should not be approved except in very special circumstances, which will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, substantial weight being given to the harm to the Green Belt. Importantly, the opening words of policy GB7(1) provide that development falling within the listed categories is not inappropriate in the Green Belt and “therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances”. That direction now appears on the face of the policy rather than, as previously, in a footnote.
- 5.6 Policy GB7(1) lists the categories of development which are not inappropriate in the Green Belt. Category (e) covers the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. Category (g), addressed below, provides the route by which commercial development may be found not inappropriate.
- 5.7 Policy GB7(1)(g) provides that development is not inappropriate in the Green Belt where all of the following apply: (i) the development would utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan; (ii) there is an evidenced unmet need for the type of development proposed; (iii) the development would be in a sustainable location, with particular reference to policy TR3 of the Framework; and (iv) in the case of major development involving the provision of housing, the development complies with policy GB8, the ‘Golden Rules’.
- 5.8 Footnote 41 to policy GB7(1)(g)(ii) prescribes what constitutes an evidenced unmet need only in the case of applications involving the provision of housing and traveller sites. For commercial development the question is an evidential one for the decision maker, and policy E2(2) sets out the matters to be considered, namely whether market signals indicate an undersupply of specific types of business land or premises, taking into account the anticipated catchment area for the type of development proposed, the changing needs of different sectors and the availability of suitable existing land and buildings.
- 5.9 Annex B of the Framework defines grey belt 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 policy GB2. Three features of that definition are significant here. First, it is not confined to previously developed land: it extends to any land in the Green Belt which does not strongly contribute to those purposes. Secondly, purpose (c), safeguarding the

countryside from encroachment, forms no part of the grey belt assessment. Thirdly, the definition no longer carries the exclusion, contained in the December 2024 Framework, for land where other designations would provide a strong reason for refusing or restricting development; the effect of the proposal on heritage assets is accordingly a matter for the wider assessment rather than a bar to the classification of the land.

- 5.10 The East Herts, North Herts and Stevenage Green Belt Review forms part of the evidence base to the Local Plan. It assesses the Green Belt parcel within which the site sits, Parcel SLS16, as making a weak or no contribution to purpose (a), a moderate contribution to purpose (b) and a weak or no contribution to purpose (d). Annex E of the Framework, which sets out the criteria by which contribution to Green Belt purposes is to be evaluated when identifying grey belt, records that villages should not be considered large built-up areas for the purposes of purpose (a). While Annex E is directed to the preparation of Green Belt assessments, the definition of grey belt in Annex B applies for the purposes of both plan-making and decision-making, and the criteria in Annex E are accordingly a material guide to the judgement required here.
- 5.11 The economic policies of the Framework are also engaged. Policy E2(1) requires that substantial weight be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand or adapt. Policy E4 supports the sustainable growth of businesses in rural areas and, at E4(2), recognises that development to meet business needs in rural areas may need to be located outside settlements and in locations not well served by public transport, in which case opportunities should be taken to use sites physically well-related to existing development, and the siting and design of the development should be appropriate having regard to the character of its surroundings.
- 5.12 Policy S3(1) requires decisions on development proposals to apply a presumption in favour of sustainable development. It provides that policy S5 is to be applied outside settlements, and that in all locations proposals which accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.
- 5.13 Policy S5(1) provides that the forms of development it lists should be approved outside settlements unless the benefits of doing so would be substantially outweighed by any adverse effects. Those forms include, at S5(1)(b), development for rural businesses and services where a location outside settlements is shown to be necessary and, at S5(1)(j), development which would address an evidenced unmet need and which would be physically well-related to an existing settlement and of a scale which can be accommodated taking into account the existing availability of infrastructure. Policy E2(2), which sets out how an unmet need for business land and premises is to be assessed, applies expressly to policy S5.
- 5.14 Policy DM3(1) requires local planning authorities to work with applicants in a positive and proactive manner, to consider whether otherwise unacceptable proposals could be made acceptable through the use of planning conditions, and not to refuse applications for

development which should clearly be approved having regard to the development plan, the policies in the Framework and other material considerations. Policy DM6 confirms that conditions may be imposed where they are necessary, relevant, precise and reasonable.

- 5.15 Policy DM8(2) provides that, where consideration is being given to an application for retrospective planning permission and it is concluded on the evidence that the unauthorised development was intentional, that fact should be given substantial weight. The circumstances in which the containers came to be sited at Nup End Farm are set out at Section 4 above.

6.0 KEY PLANNING ISSUES

- 6.1 The key planning considerations are:

- The principle of the development in the Green Belt, having regard to policies GB6 and GB7 of the Framework;
- The effect of the development on the openness of the Green Belt and the purposes of including land within it;
- The effect on the character and appearance of the area and on heritage assets in the vicinity;
- The sustainability of the location, access and parking; and
- The effect on neighbour amenity.

7.0 ASSESSMENT OF COMPLIANCE WITH PLANNING POLICY

- 7.1 The questions for the decision maker follow a clear sequence: first, whether the land is grey belt as defined in Annex B of the Framework; secondly, whether the requirements of policy GB7(1)(g) are met; thirdly, if so, the development is not inappropriate, is not to be regarded as harmful to the Green Belt, and is not required to demonstrate very special circumstances; and fourthly, the remaining matters are the ordinary development management considerations of character, heritage, access and amenity, each of which is addressed below.

Principle of Development – Grey Belt (Policy GB7(1)(g))

- 7.2 Policy GB7(1)(g) of the Framework provides a freestanding basis on which commercial development in the Green Belt is not to be regarded as inappropriate. Each of its four requirements is addressed in turn.
- 7.3 **Requirement (i) – the land is grey belt.** The Annex B definition extends to any land in the Green Belt which does not strongly contribute to any of purposes (a), (b) or (d) in policy GB2 of the Framework; it is not confined to previously developed land. The land on which the containers are sited lies within the group of buildings at Nup End Farm, alongside the two farm buildings and directly opposite Nup End Business Park, with built form and mature boundary

vegetation enclosing it on the Park Lane frontage and beyond. It is against that context that the contribution of the land to the three relevant purposes falls to be assessed.

- 7.4 The land does not strongly contribute to any of purposes (a), (b) or (d), and that conclusion is supported in the Council's Green Belt Review 2026 which assesses Parcel NHVS16, within which the site sits, as making a weak or no contribution to purpose (a), a moderate contribution to purpose (b) and a weak or no contribution to purpose (d); none of those assessments reaches the 'strongly contributes' threshold in the Annex B definition. The parcel is therefore considered grey belt.
- 7.5 Purpose (c), safeguarding the countryside from encroachment, forms no part of the Annex B definition and therefore does not bear on whether the land is grey belt; the effect of the development on the countryside remains relevant to the wider assessment and is addressed at paragraph 7.16 below.
- 7.6 **Heritage assets do not affect the classification.** The Annex B definition of grey belt no longer excludes land by reference to other designations. The heritage assets in the vicinity, namely the Grade II listed Nup End Farmhouse and the Old Knebworth Conservation Area, are therefore matters for the wider assessment and are addressed at paragraph 7.20 below, where it is shown that the development preserves the setting of the listed building and the character and appearance of the Conservation Area. The site carries no other environmental designation and lies within Flood Zone 1.
- 7.7 **Requirement (i) – no fundamental undermining of the remaining Green Belt.** The retention of eight single-storey containers within an established group of buildings, in a village location which Annex E indicates is not to be treated as a large built-up area, would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the plan area. The general extent and function of the Green Belt across North Hertfordshire is entirely unaffected.
- 7.8 **Requirement (ii) – evidenced unmet need.** Footnote 41 prescribes the unmet need test only for housing and traveller development; for commercial development the question is evidential. Policy E2(2), which sets out how an unmet need for business land and premises is to be assessed, provides the appropriate framework: whether market signals indicate an undersupply of specific types of business land or premises, taking into account the anticipated catchment area for the type of development proposed and the availability of suitable existing land and buildings. The evidence submitted is as follows. First, market evidence from a commercial agent active in the local market is provided at Appendix D, confirming that no comparable commercial storage facilities are available in the locality on a like-for-like basis in terms of unit size, security, ground-level access and cost: the small-format secure storage provided by the containers is simply not offered by the local market, in which available industrial and storage floorspace is let in materially larger units at materially greater cost. The units available to let through a commercial agent active in the local market, within a 30-minute

drive at the date of search, were of 2,142, 2,819 and 6,734 square feet, at rents of £1,500 to £4,250 per month plus VAT, service charge and, where assessed, business rates, on repairing and insuring terms with deposits and legal costs; the smallest is some fourteen times the floor area of a 20ft container and, all in, some ten times its monthly cost, and the only unit in the immediate locality, at Codicote, does not have planning permission for business use (Appendix D). Secondly, there is demand from occupiers of Nup End Business Park, directly opposite the site, for secure storage capacity immediately at hand, which cannot be met within their existing units and which, if provided remotely, would generate additional vehicle trips.

- 7.9 That evidence base engages the economic policies of the Framework: policy E2(1) requires substantial weight to be given to the economic benefits of commercial development which allows businesses to invest, expand or adapt, and policy E4 supports the sustainable growth of businesses in rural areas. An evidenced unmet need for the type of development proposed, namely small-scale secure storage serving the locality, is made out.
- 7.10 **Requirement (iii) – sustainable location.** Policy TR3 of the Framework is concerned with locating development in sustainable locations. Policy TR3(1)(a) is directed to development proposals which could generate a significant amount of movement in the context of the area within which they would be situated, and policy TR3(1)(e) recognises that in rural areas opportunities to improve walking, wheeling, cycling and public transport should be taken where they exist and can be supported by the development proposed. Those tests must be applied to the development actually proposed. A storage use of this modest scale generates very low vehicle movements, with no regular staffing, servicing or customer footfall. A substantial proportion of the users of the storage accommodation are occupiers of Nup End Business Park, directly opposite the site entrance, whose trips to Nup End already take place; for those users the storage is trip-internalising rather than trip-generating. The site is served by its existing access onto Park Lane, and parking and manoeuvring take place wholly within the site. Bus stops on The Green some 75 metres from the site provide services to Stevenage and Luton, and the services and mainline railway station at Knebworth are within walking and cycling distance via established public rights of way. In allowing appeal APP/X1925/W/21/3274409 in respect of the land immediately opposite this site, appended at Appendix F, the Inspector found that the location is not isolated given its proximity to other properties; that opportunities to maximise sustainable transport solutions vary between urban and rural areas; that services in the main area of Old Knebworth are a short distance away and easily accessible by walking or cycling; that a section of Park Lane forms part of the Great North Way (Route 12) cycleway; and that local bus services provide access to Stevenage and Luton, such that a variety of transport modes is available. The Inspector concluded that the site represents a sustainable location for housing and accords with the sustainable transport aims of Local Plan Policy SP6. Those findings were reached in the materially more demanding context of new dwellings, which generate daily commuting, school and service trips. A low-intensity storage use of the present kind is far less sensitive to locational

sustainability, and the Inspector's conclusion applies with greater force here. The location is a sustainable one for the development proposed.

- 7.11 **Requirement (iv) – Golden Rules.** Policy GB8 applies only to major development involving the provision of housing and is not applicable.
- 7.12 All four requirements of policy GB7(1)(g) are met. The development is accordingly not inappropriate development in the Green Belt. By the express terms of policy GB7(1), development falling within the listed categories is not to be regarded as harmful to the Green Belt and is not required to demonstrate very special circumstances. Openness nonetheless remains a material consideration in the overall planning balance and is addressed at paragraph 7.16 below, where the effect of the development is shown to be limited, localised and contained.
- 7.13 The grey belt provisions, which were carried forward into the August 2026 Framework in substantially the same terms, are being applied by Inspectors, the Secretary of State and local planning authorities across a range of use types, and to land which is not previously developed. Residential development has been allowed on appeal on grey belt land, for example at Surrey Heath (APP/D3640/W/24/3347530, 135 dwellings, allowed 12 March 2025). Commercial development has been permitted on the same basis: in Hertfordshire, the Secretary of State agreed with the Inspector and granted permission for a data centre and country park on land off Bedmond Road, Abbots Langley (APP/P1940/W/24/3346061), and Hertsmere Borough Council approved a data centre of up to 187,000 square metres (Use Class B8) on land at South Mimms. The present proposal is of a substantially more modest order and is contained within an existing group of buildings.

Principle of Development – Further Alternative: Very Special Circumstances (Policy GB6(2))

- 7.14 Without prejudice to the assessment above, if the development were treated as inappropriate, very special circumstances exist. On the harm side of the balance stand the definitional harm of inappropriateness and, at most, a limited spatial and visual effect on openness, the containers being contained between the agricultural buildings and the frontage hedgerow, screened from the public highway and read against the existing buildings on both sides of Park Lane. The Supreme Court confirmed in UKSC/2018/0077 that the assessment of openness is a matter of planning judgement in which visual quality is not necessarily an essential component. The complete reversibility of the containers, which are demountable and removable without residue, further limits any effect on the permanence of the Green Belt, permanence being one of its two essential characteristics.
- 7.15 Against that limited harm stand the following considerations, each attracting weight in favour of the grant of permission: the evidenced unmet local need for small-scale, secure and affordable storage at Appendix D; the economic benefits of the development to local businesses, attracting substantial weight under policy E2(1) of the Framework; the support given by policy E4 of the Framework to the sustainable growth of businesses in rural areas;

the co-location of the storage with the established employment uses at Nup End, which internalises trips and avoids pressure for provision in less contained Green Belt locations; and the Applicant's acceptance of conditions controlling the number, siting, use and appearance of the containers. These considerations clearly outweigh the limited and wholly reversible harm identified, and very special circumstances exist.

Openness and the Purposes of the Green Belt

- 7.16 Openness has both a spatial and a visual dimension. Spatially, it is accepted that eight containers occupy space that would otherwise be open; that effect is, however, limited, localised and contained. The containers occupy the space between Park Lane and Nup End Business Park on one side and the two agricultural buildings on the other, within a group of built form on both sides of the lane and introduce no development beyond the perceived limits of that group. Visually, they are contained by the agricultural buildings behind and by the established hedgerow to the Park Lane frontage, which restricts views from the public highway, and they are read against existing built development; there is no material change to the composition of public views. As to the five purposes: purposes (a), (b) and (d) are not engaged for the reasons at paragraph 7.4; any encroachment for the purposes of purpose (c) is negligible, the containers sitting within the existing group of buildings; and purpose (e) is not offended by small-scale storage meeting a local need in situ. Assessed in its established built context, the development causes no material harm to the openness of the Green Belt, and the fully reversible nature of the containers leaves its essential characteristic of permanence unaffected.

The Presumption in Favour of Sustainable Development (Policies S3 and S5)

- 7.17 Independently of Chapter 13, policy S3(1) requires decisions to apply a presumption in favour of sustainable development and directs that outside settlements policy S5 is to be applied. Policy S5(1) provides that the forms of development it lists should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. That is a materially more favourable balance than the ordinary planning balance and it applies to this proposal.
- 7.18 The development falls within two of the listed categories. First, under policy S5(1)(j), it addresses an evidenced unmet need, for the reasons set out at paragraphs 7.8 and 7.9 above; it is physically well-related to an existing settlement, an Inspector having found the land immediately opposite to be physically and visually related to Old Knebworth and to form part of its character as a village location; and it is of a scale which can plainly be accommodated by the existing infrastructure, being eight containers served by an existing access, requiring no services and generating minimal movements. Secondly, under policy S5(1)(b), the development is for a rural business use for which a location outside settlements is necessary, the accommodation being required by businesses operating at and around Nup End and there being no comparable accommodation available within the settlements of the search area, as the evidence at Appendix D demonstrates.

- 7.19 There are no adverse effects capable of substantially outweighing the benefits. The development complies with the Green Belt policies of the Framework for the reasons given above; it causes no harm to heritage assets, highway safety, living conditions or the character and appearance of the area; and it does not conflict with any national decision-making policy which states that development proposals should be refused in specified circumstances, for the purposes of policy S5(2). The presumption in policy S5(1) is therefore engaged in favour of the grant of permission.

Character, Appearance and Heritage

- 7.20 The assessment material previously prepared for development at Nup End records that the Nup End group forms a compact grouping surrounded by mature hedging with a clearly defined edge, within which contained development has a negligible effect on the wider countryside and local landscape character, and that sensitive infill has retained the distinctive character of the area. The containers are consistent with that analysis: they are utilitarian but unobtrusive structures positioned between the existing agricultural buildings and the Park Lane frontage hedgerow, seen in the context of the working yard and the commercial buildings opposite, and their appearance is capable of further control through a colour condition. They do not adjoin the Grade II listed Nup End Farmhouse and are separated from it by intervening built form and vegetation, being experienced, where visible at all, as part of the working yard at Nup End Farm rather than within the domestic setting of the Farmhouse. The relationship is illustrated in the Heritage and Views Note at Appendix G. The setting and special interest of the listed building are preserved, and the character and appearance of the Old Knebworth Conservation Area are preserved, satisfying the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 20 of the Framework and Policies SP13 and HE1 of the Local Plan. In appeal APP/X1925/W/21/3274409 the Inspector found that development on the land immediately opposite this site would conserve the same heritage assets, namely the Old Knebworth Conservation Area and the Grade II listed Nup End Farm House, in a manner appropriate to their significance. The containers are separated from the closest heritage asset by the road, are some distance from it and screened by a substantial hedge. We conclude for the purposes of the Framework that the development would have no harm to the designated asset.

Sustainability, Access and Parking

- 7.21 For the reasons at paragraph 7.10, the location is sustainable for the development proposed. The existing access onto Park Lane is safe and suitable for the very limited movements the use generates, and parking and manoeuvring take place wholly within the site. The floorspace involved is far below the thresholds at Table 1 of the Local Plan, which require a Transport Statement for warehousing development exceeding 3,000 square metres of gross floor area; no transport assessment or travel plan is therefore required, and policy TR6 of the Framework is not engaged. Policy T1 provides that permission will be granted provided development

would not lead to highway safety problems or cause unacceptable impacts upon the highway network, and neither arises. The proposal accords with Policies SP6, T1 and T2.

Neighbour Amenity

- 7.22 The nearest third-party residential properties are separated from the containers by intervening buildings and mature vegetation. The storage use generates no plant, no external lighting, no odour and no meaningful noise, and vehicle movements are very limited. There is no adverse effect on living conditions and the proposal accords with Policy D3.

Planning Balance and Suggested Conditions

- 7.23 The development is not inappropriate development in the Green Belt, falls within the categories of development which policy S5(1) provides should be approved outside settlements, preserves the openness of the Green Belt and the character of the area, causes no harm to heritage assets, highway safety or neighbour amenity, and accords with the development plan read as a whole. In accordance with section 38(6) of the 2004 Act, and with policy DM3(1)(f) of the Framework, which directs that applications for development which should clearly be approved are not to be refused, planning permission should therefore be granted. Every matter capable of control is capable of being secured by condition, as policy DM3(1)(e) requires the Council to consider.
- 7.24 In summary, the Applicant's position on the evidence submitted is that each requirement of policy GB7(1)(g) is satisfied; that it falls within the categories at policy S5(1) for which the Framework provides that permission should be granted; and that, were the development to be treated as inappropriate, very special circumstances exist.
- 7.25 Should the Council consider controls necessary, the Applicant suggests conditions to the following effect, which would provide effective and enforceable control over the development:
- The number of containers shall not exceed eight, sited in accordance with the approved Site Layout Plan;
 - The containers shall be used only for storage purposes within Use Class B8, with no trade counter, retail or workshop use;
 - No open storage of materials, goods or equipment shall take place outside the containers;
 - The containers shall be finished in a single dark recessive colour, such as dark green or slate grey, to be agreed in writing with the Council within three months of the date of permission;
 - No external lighting shall be installed without the prior written approval of the Council;

- The established hedgerow to the Park Lane frontage shall be retained and maintained, and any part which is removed, dies or becomes seriously damaged shall be replaced in the next planting season;
- No advertisements or signage, other than small unit identification numbers, shall be displayed on the containers or elsewhere on the site;
- No heavy goods vehicle movements shall take place in connection with the storage use, save for the delivery or removal of a container; and
- No flammable liquids or gases beyond ordinary incidental quantities, hazardous substances, waste materials or fuels shall be stored within the containers, and no vehicle repair or dismantling shall take place on the land.

8.0 SUMMARY

- 8.1 This application seeks the retention of eight storage containers for storage purposes (Use Class B8) at Nup End Farm. The containers are sited in a contained position between Park Lane and Nup End Business Park on one side and the two agricultural buildings at Nup End Farm on the other, enclosed by the existing built form on both sides of the lane and screened from the public highway by an established hedgerow to the frontage.
- 8.2 The land is grey belt as defined in Annex B of the Framework: the definition extends to any land in the Green Belt which does not strongly contribute to Green Belt purposes (a), (b) or (d), and this well contained parcel of land within an existing group of buildings does not contribute strongly to any of them. An Inspector has found the land immediately opposite to be physically and visually related to Old Knebworth and to form part of its character as a village location. That conclusion accords with the Green Belt Review's assessment of Parcel SLS16, none of whose findings for those purposes reaches the 'strongly contributes' threshold. Purpose (c), safeguarding the countryside from encroachment, forms no part of the grey belt assessment, and the definition no longer excludes land by reference to other designations. The development in any event preserves the setting of the listed Farmhouse and the character and appearance of the Old Knebworth Conservation Area.
- 8.3 There is an evidenced unmet need for small-scale, secure and affordable storage accommodation in the locality. The market evidence at Appendix D confirms that no like-for-like provision is available in terms of unit size, security, access and cost, and records demand from occupiers of the adjoining Business Park. Assessed against policy E2(2), the market signals indicate an undersupply of business premises of this type within the catchment and no suitable existing land or buildings are available to meet it.
- 8.4 The location is sustainable for the development proposed: the use generates very low vehicle movements, a substantial proportion of users are occupiers of the Business Park directly opposite, the existing access is safe and suitable, public transport is available 75 metres from the site, and an Inspector has found this location not to be isolated and to represent a

sustainable location for housing, in the materially more demanding context of residential development (APP/X1925/W/21/3274409, Appendix F).

- 8.5 All four requirements of policy GB7(1)(g) of the Framework are therefore met and the development is not inappropriate development in the Green Belt. By the express terms of policy GB7(1), it is not to be regarded as harmful to the Green Belt and very special circumstances are not required. The grey belt provisions have been applied in allowed appeals for residential and commercial development, including on land that is not previously developed, and, within Hertfordshire, to Use Class B8 floorspace at South Mimms on a substantially greater scale than proposed here.
- 8.6 The development also falls within the categories at policy S5(1)(b) and S5(1)(j) which, by policy S5(1), should be approved outside settlements unless the benefits of doing so would be substantially outweighed by any adverse effects; there are no such effects here.
- 8.7 In the further alternative, the evidenced unmet need, the substantial weight attaching to the economic benefits of the development under policy E2(1) of the Framework, the support given to rural business growth under policy E4, the very limited and wholly reversible effect on openness, the circumstances in which the containers came to be sited as set out at Section 4, and the Applicant's acceptance of controlling conditions together clearly outweigh any harm, and very special circumstances exist for the purposes of policy GB6(2).
- 8.8 The development preserves the character and appearance of the area and the heritage assets in the vicinity, causes no harm to neighbour amenity, and accords with Policies SP1, SP2, SP5, SP6, SP13, HE1, D1, D3, T1 and T2 of the North Hertfordshire Local Plan 2011-2031 read together with the Framework.
- 8.9 The proposal accordingly accords with the development plan read as a whole. In accordance with section 38(6) of the 2004 Act, and with policies S3, S5 and DM3 of the Framework, the Council is respectfully requested to grant planning permission, subject to the conditions suggested at paragraph 7.25 should it consider them necessary.