

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Warner Planning
office 2
13, Bodmin place
Milton Keynes
MK10 7DP
United Kingdom

Applicant:

D&A Architectural & Structural

PARTICULARS OF DEVELOPMENT

Application: 24/02343/FP

Proposal: 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 hardstanding 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).

Location: Church Wood, Three Houses Lane, Codicote, Hertfordshire,

Plan Nos: GA004 GA012 GA003 GA005 GA006 GA007 GA008
GA014 GA013 1.8m High V-Mesh Fencing With 60x60 Bolt
Down Kit 1.8m High Bolt Down 60x60 Intermediate Post
ADH2051400

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 23 December 2024.

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. The development amounts to an intensification of the use of the site for industrial purposes, including Class B8 warehousing, which generates an increase in vehicular traffic, including Heavy Goods Vehicles, in an inappropriate rural location for the use and in a location which lacks accessibility by sustainable means of transport. The means of access to the site along Three Houses Lane is unsuitable for the amount and type of goods vehicles associated with the site and the conflict of this traffic with other roads users including pedestrians and cyclists is likely to give rise to conditions detrimental to highway safety. The development is therefore contrary to the National Planning Policy Framework (NPPF) 2024, Hertfordshire's Local Transport Plan (LTP4) 2018 and Hertfordshire's Place & Movement Planning and Design Guide (2024). The development is also contrary to the provisions of Policy T1 and SP6 of the North Herts Local Plan 2011 - 2031.
3. The development, by reason of the general intensification and industrial use of the site together with the increase in built form and associated heavy goods vehicular movement, outdoor storage, parking, fencing, and general paraphernalia, results in an adverse visual impact and consequent harmful effect on the character and appearance of the area. The use is therefore contrary to the provisions of Policies SP9, D1 and NE2 of the North Herts Local Plan 2011 - 2031 and Section 12 of the National Planning Policy Framework.
4. The use of the site for industrial purposes, particularly in terms of the floorspace involved together with its rural location results in environmental harm that cannot be suitably mitigated against. The use fails to meet the environmental objective required to achieve sustainable development and therefore the use is contrary to the provisions of SP1 of the Local Plan and Section 2 of the National Planning Policy Framework 2024.
5. The submitted planning application is not supported by a sufficient assessment of the impact of the development on the wildlife -rich habitats and wider ecological

networks of the site and its immediate surroundings and in particular the impact of the development on the Church Wood and Crouch Green Woods Local Wildlife Sites.

The development therefore fails to protect and enhance the biodiversity of the site contrary to the provisions of Policy SP 12 and NE4 of the Local Plan and Section 15 of the National Planning Policy Framework

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
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 10 March 2025

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development the time limit is 28 days from the date of the LPA decision or 28 days from the date the enforcement notice was served.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.