Addendum and Update to Committee Report – 6th March 2025

Agenda Item 7: 24/02343/FP – Land at Church Wood, Three Houses Lane, Codicote

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)

Representations received following the publication of the Agenda report

The Council has received three representations since the agenda report was published.

Simon Warner, Warner Planning on behalf of applicant [the agents]

Considers that the site meets the definition of Grey Belt in the National Planning Policy Framework (NPPF) and does not conflict with paragraph 155 of the NPPF which sets out certain criteria for commercial and housing development in the Green Belt to be not regarded as inappropriate development.

In terms of paragraph 155 the agents are of the view that:

- the development does not undermine purposes a, b or d of paragraph 143 of the NPPF
- there is an unmet need for this type of development
- the development is in a sustainable location

In addition, the agents are of the view that the officer report fails to take account of the fallback position under Class R of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows for the change of use of a building and any land within its curtilage to a flexible use including Class B8 (Storage & Distribution). The agents consider that the potential for a Class R use 'is real and something that has not been considered in the planning balance'.

The agents advise that the current site has unrestricted access and hours of operation and are of the view that issues of traffic management and noise can be dealt with by conditions. The agents suggest that the application be deferred to allow these matters to be addressed.

The officer response is as follows:

1. The site may be potentially considered as Grey Belt as the development is on land that does not strongly contribute to any of the purposes a), b) and d) in paragraph 143 of the NPPF. That said, officers consider that there is no demonstrable unmet need for B8 development in the District (as B8 allocations are made in the Local

Plan, particularly at Baldock site BA10) and the development is not in a sustainable location. As the development does not comply with all the criteria set out under paragraph 155 of the NPPF the site is inappropriate development in the Green Belt. Therefore, officers remain of the view that the development is harmful to the Green Belt by reason of inappropriateness, where development should not be approved except in very special circumstances.

2. The fallback position under Class R does not apply. This is because before changing the use of a site under Class R (3) a developer must apply for **Prior Approval** from the Local Planning Authority for determination as to the transport and highway impacts of the development, noise impacts of the development and contamination and flooding risks on the site. No such Prior Approval was sought or granted by the LPA prior to the B8 use taking place. Furthermore, Class R1 (a) states that there must be a period of 10 years after any building brought into use after 3rd July 2012 before the date development under Class R begins. The largest original building on the site (Building 3) was only granted permission in 2018.

Katharine Gillings, local resident

Objects to the development on the following grounds:

1. The submitted documents, including the site plan and the preliminary ecological appraisal, provide insufficient and/or inaccurate information and fail to meet NHDC 'essential' validation requirements.

2. The impact on the Green Belt and trees and woodland as set out in paras [3(c) and (d) below.

3. The proposals are contrary to the landscape character assessment (LCA) of the area in which the site is located (Codicote Plateau Area 205) in the North Herts Landscape Study (Character, Sensitivity and Capacity)

4. The proposals will harm views, both public and private, through this rural area of ancient woodlands

5. The proposals will harm the setting of a Grade II listed building

6. The proposals will cause noise and disturbance to the neighbouring properties

7. In view of the above, the proposals are in my opinion contrary to relevant planning policy as noted in para 4. below and permission should therefore be refused.

Mr T. Wise, local resident

1. I and the other objectors understand that a due process has now been followed, which has unfortunately taken over a year. During this time, we

have repeatedly lobbied NHDC for enforcement action.

2. Sadly, during this time Three Houses Lane has been badly damaged by HGV traffic and Church Wood and Crouchgreen Wood all but destroyed.
3. This Application has now been received by NHDC and properly considered against the NPPF and the Local Plan, with significant input from Herts Highways, Natural England, the Woodland Trust, North Herts Ecology and many other consultees.
4. The objectors wholeheartedly agree with these consultees and with the conclusions of the Planning Officer's Report and thank them all for their work in arriving at this point.
5. We naturally expect the Planning Committee to agree with the Report recommendations and refuse this application on 06 March 2025.
6. Nothing the Applicant can do can alter the fundamental reasons for refusal.
7. As such there are no valid grounds for appeal, but the applicant's cavalier approach to planning suggests that an appeal may well be forthcoming.
8. In that event, and since any appeal would be vexatious and baseless, we would urge the Council to seek an award for costs via the Inspectorate from the applicant such that NHDC residents are not asked to fund any NHDC participation in any appeal.
9. Since there are no valid grounds for appeal, we would ask that the Council engages its own Corporate Statement of Enforcement Policy as this should be considered an 'Urgent Case (Priority A)' as the unauthorised development is, amongst other impacts, having and has had 'a severe and possibly irreversible impact on surroundings' and is 'causing danger to highway users'.
10. This unauthorised development is clearly harmful and we would ask the Council to now act to the limit of its powers to enforce a timely return of the site and surrounding area to the condition as it was in late 2023, before the unauthorised development was started.

Recommended additional reason for refusal

Following further consultation with the Council's Ecology officer it is recommended that a fifth reason for refusal of the application is added to the officer recommendation as follows:

'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 '

Recommended alteration to the wording of Reason for Refusal 1 (Green Belt)

Revised wording:

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 proposal does not fully comply with ~~any of~~ the exemption criteria set out under paragraphs 154 and 155 of the NPPF. Furthermore, the development ~~it would~~ 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 ~~proposal would~~ 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

Typographical error in report:

Delete the word 'and' at the beginning of reason for refusal 4 on page 34 of the agenda report.

5th March 2025.