Location:	**Land At Church Wood** **Three Houses Lane** **Codicote** **Hertfordshire**
Applicant:	**D&A Architectural & Structural**
Proposal:	**Change of use of land to equestrian and erection of stables and covered menage.**
Ref. No:	24/01042/FP
Officer:	**Tom Rea**

Date of expiry of statutory period: 24th July 2025

Reason for Referral to Committee: This application is required to be determined by the Planning Control Committee due to the site area of the application site.

1.0 Relevant Planning Policy

1.1 North Hertfordshire Local Plan 2011 – 2031

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP3: Employment
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP9: Design and Sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity

Policy T1: Assessment of transport matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living conditions
Policy D4: Air quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE8: Sustainable drainage systems
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

1.2 National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 6: Building a strong competitive economy

Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change
Section 16: Conserving and enhancing the natural environment

1.3 Supplementary Planning Guidance and Documents

- Design SPD 2011
- Vehicle Parking at New Developments 2011
- Sustainability SPD (2024)

1.4 Knebworth Neighbourhood Plan (Made May 2022)

Policy KBLE2: Rural Businesses
Policy KBEF1: Biodiversity
Policy KBT1: Sustainable Modes of Travel
Policy KBEF3: Flooding and Drainage

Church Wood and Crouch Green Wood are noted as Local Wildlife Sites.

2.0 **Site History**

No directly relevant history but the adjacent land history is as follows:

1/1669/84/(118): Use of land as pet cemetery. Granted

05/01337/1: Detached building for machinery store and workshop (in connection with pet cemetery and pheasant rearing business) Granted 22/11/05. Condition 3 restricted future uses.

14/02866/1AG: Agricultural building for grain storage (for pheasant rearing / shooting business) . Granted as Permitted Development on 1st December 2014

18/01478/AG: Agricultural building for straw storage . Granted as Permitted Development on 19th July 2018

20/000614/PNQ: Prior Approval Notification - Class Q: Conversion of agricultural building into one 3-bed dwelling. Permission refused as not permitted development, 7/05/2020

22/01891/FP: Change of use of existing agricultural barn to one 3-bed dwelling. Granted 28/9/22. This permission has not been implemented

24/01002/FP: Change of use of existing three barns to office and storage space and the erection of supporting substation and concrete base. Withdrawn 09.09.2024

24/02343/FP: 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). Refused 10th March 2025

An appeal has been lodged and a decision from the Planning Inspectorate is pending.

3.0 **Representations**

3.1 **Site Notice and Neighbour consultation**

At the time of writing this report 17 comments have been received with 17 objections. The comments include the following concerns (full details on the Council's web site) :

- Inappropriate development in the Green Belt / contrary to Green Belt policy
- Loss of openness
- Not a sustainable location and no demand for the use therefore not Grey Belt
- Not a suitable location for increased traffic and congestion
- HGV's degrading the road surface, verge and drainage channels
- Increase in surface water flooding
- Health and safety concerns
- Adverse impact on the environmental and ecological impact including damage to trees, the woodland TPO and local wildlife site
- Adverse impact on landscape character and appearance
- Inaccurate statements and information within the application
- Adverse visual impact
- Query surface water and foul water drainage arrangements
- Increased noise and vibration, light and dust pollution
- No biodiversity net gain only a loss
- Loss residential amenity
- Application lacks information
- Contrary to Local Plan policies and the NPPF

3.2 **Knebworth Parish Council:**

Formal comments as follows:

The Council objected to this application on the basis of:

1. The proposed manège and large stable block represent significant new built development within the Green Belt.

Such development is considered inappropriate unless very special circumstances are demonstrated. The scale and footprint of the proposed buildings—occupying up to 20% of the field—would harm the openness, rural character, and visual amenity of the Green Belt, contrary to national and local planning policy.

2. Disproportionate Scale to Site Size and Use

The facility is vastly out of proportion to the size of the field (1.67 hectares) and the number of horses that could be supported. With 1,944 sq. metres of new buildings and associated hardstanding, the usable grazing area would be drastically reduced, making the site unsuitable for the number of horses proposed. This raises concerns about overdevelopment and the sustainability of the use.

3.3 **Hertfordshire Highways:**

Raises no objections

3.4 **Natural England:**

Comments as follows:
NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3.5 **NHDC Ecology officer:**
Raises no objection. Recommends a condition until a full ecological appraisal of the actual works undertaken within the full red line boundary has been provided together with details of mitigation measures that will be required to compensate for damaging practices to the LWS on the basis the application is contrary to policies SP12 and NE4 in the North Herts Local Plan

3.6 **Lead Local Flood Authority:**

Object to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is irregular in shape and comprises approximately 1.55 hectares in overall area and is located on the south side of Three Houses Lane. The site is within the open countryside and Green Belt. The site includes agricultural land. A vehicular access road off Church Lane serves the site (and the adjacent barns) having recently being upgraded and widened.

Crouchgreen Wood and Church Wood extend to the north east and west of the application site owned by the applicant. The trees within the woods are protected by a provisional Tree Protection Order (TPO 00221/2025). The woodlands are designated as part of a Local Wildlife site.

4.2 **Proposal**

4.2.1 Change of use of land to equestrian and erection of stables and covered manége.

4.2.2 In detail the proposals include the following elements:

- Change of use of approximately 1.5521 hectares of land to an equestrian use
- Erection of an L-shaped building comprising a stable block (10 stables) and an attached covered manége (riding area). Total floorspace of 1,944 sq metres. Maximum height of 6.7 metres.
- Access track from Church Lane

4.3 **Key Issues**

4.3.1 The key issues are as follows:

- Principle of development
- Impact on character and appearance of the area
- Impact on Heritage Assets
- Ecological issues
- Highway issues
- Other Environmental issues (Flooding, Climate change etc)

4.3.2 **Principle of development**

Green Belt Assessment

4.3.3 Policy SP5 of the Emerging Local Plan states at paragraph c) that the LPA :

'*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; '*

4.3.4 Paragraph 153 of the NPPF states:

'*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

4.3.5 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate and then sets out several exceptions. The exception that may be relevant to consider with this application is as follows:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

4.3.6 An equestrian use of the land would be an appropriate outdoor recreational use in the Green Belt and therefore there is no objection in principle to such a use, subject to the proposal preserving the openness of the Green Belt. In this case the proposed stable block and manége is of considerable scale and disproportionately large for the site occupying over 12% of the whole site area. Consequently, the building would have a significant impact on the openness of the Green Belt in spatial and visual terms.

4.3.7 In addition to the size and scale of the proposed building there would inevitably be some parking area and / or hardstanding associated with the use for example for horse box vehicles and for supplier delivery vehicles, visitors, vets and various service

vehicles. This would have an additional visual impact on the Green Belt and consequently its openness. The application drawings do not show provision for this likely impact. Therefore, it is considered that the proposal does not meet any exceptions of NPPF paragraph 154.

4.3.8 Paragraph 143 of the Framework sets out the five purposes of the Green Belt as follows:

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3.9 In view of the above likely impacts the proposed development would not preserve the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment thereby conflicting with purpose c) of one of the five purposes that the Green Belt serves as set out in paragraph 143 of the NPPF.

4.3.10 Grey Belt assessment

4.3.11 The NPPF Glossary defines Grey Belt land as follows:

"Grey belt: 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."

4.3.12 In determining whether the application site should be defined as Grey Belt, the The National Planning Practice Guidance (PPG) sets out guidance on how authorities should consider evidence in the absence of Grey Belt allocations within the Local Plan. This includes: 1. Whether the site strongly contributes to the Green Belt purposes a, b, or d (as above). 2. Whether the application of policies to areas and assets of particular importance identified in footnote 7 of the NPPF (other than Green Belt) provide a strong reason to restrict development. 3. Whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the Local Plan area (North Hertfordshire in this case), as set out in national policy and this guidance.

4.3.13 The Council published its Green Belt Review Update in 2018. In that document the application site falls within strategic land parcel No. 7 – Old Knebworth. The outcome of the review was that land parcel No. 7 made a moderate contribution towards safeguarding the countryside from encroachment and a moderate contribution overall to Green Belt purposes. The document was endorsed by the Local Plan Inspector when concluding the Local Plan Examination in Public which subsequently led to the adoption of the North Herts Local Plan 2011 – 2031. However, in a recent appeal decision at Wandon End (APP/X1925/W/25/3359065) the Inspector gave little weight to the findings of the Review because it did not consider whether land was Grey Belt, amongst other things. Therefore, little weight is given to the Green Belt Review in the assessment of this proposal.

4.3.14 Consequently, notwithstanding the above Green Belt Review findings I set out below an assessment under the PPG as follows:

Contribution of the site to the Green Belt purposes (a), (b), and (d)

4.3.15 Purpose (a) of paragraph 143 intends to check the unrestricted sprawl of large built-up areas.

4.3.16 The application site is not adjacent to any large built up area and some development, subject to its being appropriate in use terms and of a limited scale, would not result in an incongruous pattern of development. As such the site does not make a 'strong contribution' to purpose a) of paragraph 143.

4.3.17 Purpose b) is to prevent neighbouring towns merging into one another. The application site is not in a location whereby it could possibly result in towns merging therefore the site does not make a 'strong contribution to purpose b) of paragraph 143.

4.3.18 Purpose d) to preserve the setting and special character of historic towns. The site is not considered to form part of the setting of a historic town given its location, and has no visual, physical, or experiential connection to any historic aspects of a historic town. The site therefore has a 'limited' or no contribution to purpose (d) of paragraph 143 of the NPPF

4.3.19 Given the above, it is considered that the application site does not contribute strongly to purposes (a), (b), or (d) of paragraph 143 of the NPPF.

Footnote 7 considerations

4.3.20 As set out in the PPG and NPPF, Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development.

4.3.21 Footnote 7 references designated heritage assets. It is not considered that the development would have any significant impact on nearby heritage assets. Any limited harm to the designated heritage assets are not considered to provide a strong reason to restrict the development.

Consideration against NPPF paragraph 155

4.3.22 Paragraph 155 sets out a further assessment of whether a proposal should be regarded as inappropriate development in the Green Belt. There are three criteria. The first (a) is whether a development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. Given the site area and its location relative to built-up areas, the proposed equestrian development is not considered to fundamentally undermine the purposes of the remaining Green Belt across the area of the plan and would not affect the ability of all the remaining Green Belt in the area of the plan from serving all five of the Green Belt purposes in a meaningful way. The second criterion (b) is whether there is a demonstrable unmet need for the type of development proposed and the third (c) is whether the development would be in a sustainable location.

4.3.23 Therefore, even if the site were considered to be Grey Belt it is required to meet all the criteria in paragraph 155 of the NPPF to be regarded as not inappropriate development in the Green Belt. Regarding criterion (b), there is no demonstrable unmet need for this type of recreational development in the district. Regarding criterion (c), with particular regard to NPPF paragraphs 110 and 115, the site is in an unsustainable location given the lack of public transport to the site and the lack of any nearby services. Therefore, the proposal does not meet all of the criteria of NPPF paragraph 155 and therefore is inappropriate development within the Green Belt.

4.3.24 In conclusion, the proposal is inappropriate development within the Green Belt and there is harm to the openness of the Green Belt and conflict with a purpose of the Green Belt. Substantial weight is attributed to this harm. It is necessary to consider whether there any other harms and benefits that would arise before setting out the concluding planning balance on this proposal.

4.3.25 **Impact on the character and appearance of the area**

4.3.26 The development would result in a significant change to the character and appearance of the area through the following aspects of the development:

- The introduction generally of a large building and associated hardstanding in a predominantly rural / agricultural setting
- Potential increase in the size and frequency of visitors and commercial vehicles accessing the site and along Three Houses Lane generally given the scale of the proposed development.

4.3.27 The application site falls within Area 205 (Codicote Plateau) of the North Herts and Stevenage Landscape Study 2011. The study states the key characteristics of the area as comprising gently rolling upland landscape with large arable parcels with varying blocks of woodland with a moderate to high sensitivity overall with the area sensitive to the introduction of additional development and urbanising features. In terms of its capacity to accommodate development the study says that the landscape capacity for commercial/warehouse estates and large scale open storage is considered to be low. The landscape capacity for incremental small scale development is also stated to be low to moderate.

4.3.28 Policy SP9 states that the Council will support new development where it is well designed and located and responds positively to its local context. Policy D1 also states that permission will be granted for development which responds positively to the site's local context. Policy NE2 ('Landscape') is particularly relevant to this application as it states:

Planning permission will be granted for development proposals that:
a) Respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management;
b) Do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this;
c) Are designed and located to ensure the health and future retention of important landscape features; and
d) Have considered the long-term management and maintenance of any existing and proposed landscaping.

4.3.29 It is considered that the proposed development would have an adverse impact on the tranquillity and natural beauty of the countryside through the impacts set out above resulting in harm to the character and appearance of the area in general. The development would be in conflict with Policies SP9, D1 and NE2 of the Local Plan as well as being contrary to Section 12 of the Framework, in particular paragraph 135 which states that planning decisions should, inter alia, ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting. Significant weight is attributed to this harm.

4.3.30 **Heritage impact**

4.3.31 The nearest historic building is The Peach House, a Grade II narrow glasshouse located within the Node Park settlement approximately 140 metres to the south east. Given the distance of the site from the listed building together with intervening landscaping in between it is considered that there would be no adverse impact on the historic significance or historic setting of the Peach House. There are no other nearby historic assets which could be considered materially affected by the development. This matter is neutral in the planning balance. The impact on ancient woodland is considered below.

4.3.32 **Ecological issues**

4.3.33 The application site is part of a Local Wildlife Site (LWS) but has no statutory designations. Both Crouchgreen Wood and Church Wood are covered by a provisional Tree Protection Order (TPO 00221 (2025) which covers both woodlands specifying various species of trees protected.

4.3.34 The submitted Ecological walkover survey concludes as follows:

'The proposed development will lead to the permanent loss of arable land with historically cereal-based cultivation. While the baseline biodiversity value is low (0.40 BU), achieving BNG compliance requires additional on-site habitat creation or off-site compensation to meet the 10% biodiversity net gain target. Mitigation measures, particularly for protected species, priority habitats, and ecological connectivity, should be incorporated into the development plans to minimise ecological impact and ensure compliance with local and national conservation policies'

4.3.35 The Council's Ecologist has not raised any objections to the development subject to the mandatory biodiversity net gain condition. Accordingly it is considered that the development would be consistent with Policies SP12 (Green infrastructure, landscape and biodiversity) and NE4 (Biodiversity and geological sites) of the Local Plan.

4.3.36 **Highway issues**

4.3.37 Policy T1 of the Local Plan states that permission will be granted provided:
'Development would not lead to highway safety problems or cause unacceptable impacts on the highway network'

The Policy further states:

d) For major developments, applicants demonstrate (as far as is practicable) how: i. the proposed scheme would be served by public transport; ii. safe, direct and convenient routes for pedestrians and cyclists will be provided; and iii. comprehensive integration into the existing pedestrian and cycle, public transport and road networks will be secured.

(This application has been advertised as a major development because of the site area exceeding 1 hectare and the floorspace created is 1,000 sq metres or more (Part 1 of the Town and Country Planning (Development Management Procedure) Order 2015)).

4.3.38 Vehicular and pedestrian access is to be provided through an existing group of industrial buildings. No provision is shown on the submitted drawings for car parking for vehicles that would be associated with the development (visitors, horse boxes, service vehicles etc). No provision is made staff parking and there is no dedicated cycle storage / parking area.

4.3.39 Notwithstanding the above the Highway Authority consider that the proposed development is not expected to have any significant traffic impact on the operation or safety of the highway network than the existing use. Neutral weight is given to this matter in the planning balance.

4.3.40 **Other Environmental issues (Flooding, Climate change etc)**

4.3.41 The site is within Flood Zone 1 of the Environment Agency's Flood Map i.e. where there is the lowest probability of fluvial flooding. The main issue appears to be surface water run-off from the site. The application is not accompanied by a Flood Risk Assessment. The Lead Local Flood Authority have objected to the development due to a lack of a Flood Risk Assessment and Drainage strategy.

4.3.42 The application is not accompanied by a sustainability assessment to address the impact of the development on local climate change. The submitted Design and Access statement makes only brief reference to sustainability commenting that the site *'is located within a sustainable location'* and that the development will meet the three pillars of sustainability (economic, social and environmental) as required by the Framework. The application is not supported by any further information as to how the development will be future proofed against the challenge of climate change as required by the Framework and the Council's Sustainability SPD adopted in 2024. If permission is granted a condition requiring the submission of a site-wide sustainability strategy would be required, such strategy addressing such matters as renewable energy, reducing carbon emissions and water conservation.

4.3.43 **The Planning Balance and conclusion**

4.3.44 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.

4.3.45 The development would bring forward some limited employment opportunities (the application form states 2 full time employees) and there would be some biodiversity net gain (albeit off site). Limited weight can be attributed to these benefits.

4.3.46 The development is considered inappropriate development in the Green Belt. No very special circumstances have been advanced in support of the application and none are apparent in this case. Paragraph 142 of the NPPF says that the Government attaches great importance to Green Belts. The harm to the Green Belt must therefore carry substantial weight as stipulated by NPPF paragraph 153.

4.3.47 The development, because of its size and consequent visual and spatial impact on the openness of the Green Belt, causes harm to the character and appearance of the area. This matter weighs significantly against the proposal.

4.3.48 There is also no flood risk assessment which is particularly important given the size of the building and any associated surface water run-off. The development is also in an unsustainable location and fails to achieve the environmental objective of sustainable development as required by the Framework. Collectively these environmental harms carry significant weight. In terms of Green Belt policy, it is concluded that the very limited benefits that would arise from the development do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and the other harms identified.

4.3.49 In terms of a summary of applying weight to the positive and negative aspects of the application, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole and accordingly planning permission should be refused.

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission be **REFUSED** for the following reasons:

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 National Planning Policy Framework.
   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, 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. Therefore, the development conflicts 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, by reason of its size and scale and associated activity and vehicular movement would result in an adverse visual impact and consequent harmful effect on the rural character and appearance of the area. The development would therefore be 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.

3. In the absence of a satisfactory flood risk assessment and site drainage strategy the development may give rise to surface water flooding which would be harmful to public health and amenity. The development would not be in accordance with the guidance in the NPPF and Planning Policy Practice guidance , or the North Herts Local Plan Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

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.