



Appeal Decision

Site visit made on 8 July 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/X1925/W/25/3358840

Land to the east of Old Hale Way, Hitchin, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Parker against the decision of North Hertfordshire District Council.
 - The application Ref is 24/01920/FP.
 - The development proposed is altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the planning application form as it more clearly identifies the location of the site. The same address is also used by the Council on its decision notice.
3. I have taken the description of development in the banner heading above from the planning application form, albeit I have removed wording that does not refer to an act of development, in the interests of clarity.

Main Issues

4. The main issues are:
 - whether the proposed development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan including whether openness would be preserved and the effect on the purposes of including land within the Green Belt;
 - whether the proposed development would promote sustainable modes of travel;
 - the effect of the proposed development on highway safety; and
 - if the proposal would comprise inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The appeal site comprises a roughly rectangular shaped area of land laid to grass which lies within the Green Belt. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) states, amongst other things, 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.
6. The appeal proposal would involve alterations to an existing vehicular access to facilitate the use of the land as a community car park which would provide 30 vehicle spaces. Other works including the installation of gates, fencing, electric vehicle charging points, cycle stands and the creation of an additional earth bund are also proposed along with landscaping.
7. Paragraph 154 h) of the Framework sets out a list of exceptions, where subject to them preserving openness and not conflicting with the purposes of including land within the Green Belt, other forms of development are not considered to be inappropriate development in the Green Belt.
8. The appellant asserts that two exceptions set out under paragraph 154 h) could apply to the proposed development including, local transport infrastructure which can demonstrate a requirement for a Green Belt location (iii) and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (v). Even if I were to agree, in both cases a requirement of paragraph 154 h) of the Framework is that the development proposed would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Openness and purposes

9. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The existing access would be repositioned further north. I accept that it would appear more engineered compared with the existing access which is currently more informal in its characteristics. Nevertheless, given the limited distance that it would be moved from the current position, I do not find that there would be a significant impact on the openness of the Green Belt as a result of this altered access. It would remain visible in the context of the neighbouring access road into the allotments and the edge of the built up area of Hitchin.
11. The new car parking area would be formed of grasscrete in order to try and assimilate the surfacing into the rural character of the area. However, the plans indicate that the site would comprise of marked bays and above ground features, including cycle stands, electric vehicle charging points and additional boundary treatments. There would also be an increase in the number of vehicular movements into and out of the site compared with the current situation. The proposed arrangement along with the parking of vehicles at the site would result in an urbanising effect that would be harmful to the spatial openness of the site.

12. Vehicles parked on the site would be arranged in rows and reasonably close together, exacerbating their visual impact. The visual presence of the other associated development, including the additional fencing, gates and the provision of an additional earth bund would also create an appreciable sense of enclosure by obviously man-made features. I therefore find that the use of the site as a car park would have a harmful visual impact on openness. Whilst I accept that the level of vehicle use would vary at different times, even low level use of the car park would be likely to have a greater effect on openness than any agricultural use of the site.
13. Whilst the earth bund alongside the frontage currently screens the appeal site to a certain degree from Old Hale Way, there is a footpath along the top of that bund which is identified as an existing feature on the proposed layout. If retained as suggested, open views across the appeal site would be visible from this elevated vantage point. The proposed car park, earth bund and new gates would be visible in views from Old Hale Way, across the proposed access point. The new car park area would also be clearly visible from those using the adjacent access road to enter and exit the allotments and from those members of the public using the wider site to the east of the appeal site. As a result, the proposal would give rise to an appreciable reduction in openness in visual terms.
14. The proposal would be located on open agricultural land which is currently rural in character. The car park would extend from the edge of the town of Hitchin into the agricultural field. It would be contained by an existing post and rail fence along the eastern boundary and a bund along the western boundary, but it is currently open to the remainder of the field to the north. Beyond the appeal site to the north, east and west is agricultural land and allotments which also appear open and rural in character.
15. Given the nature of the existing site characteristics and the surrounding context, the appeal proposal would result in encroachment into the countryside, extending development of an urban character from the edge of Hitchin out into open countryside. The proposal would therefore be at odds with purpose c) of paragraph 143 of the Framework, which is to assist in safeguarding the countryside from encroachment.
16. Consequently, I find that the proposal would not preserve the openness of the Green Belt. It would not assist in safeguarding the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraph 154 h) of the Framework and would be inappropriate development in the Green Belt.

Sustainable modes of travel

17. The proposal would result in a car park for up to 30 vehicles. The appellant states that the primary purpose of the car park would be to provide parking for those using the wider site, including allotment holders and dog walkers but that the intention is to encourage a much wider range of people to make use of the site that are not within walking distance.
18. There is very limited information before me that suggests the needs of such users of the site are not already being adequately provided for within the wider site. There is also very little information before me on the number of people who currently drive to the wider site to carry out such recreational activities, or whether

it is mostly accessed by local residents walking and cycling, given its location in close proximity to both Hitchin and Ickleford and that the submitted Transport Statement (TS) identifies that the area is well connected in terms of walking, cycling and public transport opportunities.

19. It is also stated that the car park would provide overspill parking for those attending village events and would also provide parking for occasional farmers markets and car boot sales. Nevertheless, I have very limited information before me on the parking issues currently experienced during local events and whether the level of parking proposed is proportionate to any expected demand. Very little information is also before me on the scale and location of the proposed farmers market/car boot use. I note that it is suggested that such events could be limited in number to what could be carried out under permitted development rights. Nevertheless, there is no substantive information on the likely parking demand that would be created by such events, which would impact on the use of the proposed development before me now.
20. Therefore, without substantive evidence to the contrary, I find that the need for the car park at the scale proposed has not been demonstrated. Whilst I note that it is proposed to provide electric vehicle charging points and four cycle stands, I still consider that overall, the proposal would encourage people to drive, which is contrary to promoting the use of more sustainable modes of transport, which are available in the local area.
21. Whilst I note that the proposal may result in some social benefits including allowing wider access to recreational pursuits, the extent of these has not been demonstrated to be any more than minor in this case. I also note the potential economic benefits in terms of supporting the operation of a farmers market/car boot sale, however, without substantive information on the scale of such a use, I am not satisfied that such benefits would overcome the environmental harms I have identified.
22. Consequently, based on the evidence before me, the proposal would be contrary to Policies SP1 and SP2 of the LP which seek, amongst other things, to manage the pattern of development across the Council area in order to support the principles of sustainable development. The proposal would also be contrary to an overarching aim of the Framework, which is to manage patterns of growth in support of promoting the use of sustainable transport.
23. The proposal would also be contrary to Hertfordshire's Local Transport Plan 2018 – 2031 (May 2018) which seeks to achieve a change in travel behaviour so that people choose to travel by other modes for journeys that do not need to be made by car.

Highway safety

24. The submitted TS identifies a relatively high level of traffic flows along Old Hale Way. During my site visit, whilst only a snapshot in time, there were regular vehicular movements in both directions along Old Hale Way. The collision data provided in the TS identifies that there have been no recorded accidents in recent times. Nonetheless, the proposal would result in an increase in the number of vehicles accessing and egressing from the appeal site using a relocated access on Old Hale Way. The Highway Authority does not object to the use of the proposed car park by walkers or allotment holders, its concern relates to the use of the

proposed parking in connection with the potential operation of a farmers market/car boot sale use on the wider site.

25. Whilst the farmers market/car boot use maybe limited to what could be carried out under permitted development rights, meaning that it would not be an overly regular occurrence, the location and scale of such a use is not identified. Without knowing more detailed information on this potential proposed use, it is not clear what the likely number of additional vehicle movements using the site would be or the level of resultant parking demand. Dependent on the scale, it could result in overspill parking along the road and if this is to a significant level it could become a nuisance and result in harmful highway safety impacts.
26. It is asserted that the farmers market/car boot use could take place under permitted development rights, without the proposed car park, which would result in visitors parking elsewhere. Whilst I accept that there maybe a theoretical possibility that a farmers market/car boot use could take place, it may not be an attractive option for many, if no off street parking is provided or if it resulted in undesirable nuisance parking or highway safety impacts.
27. It is suggested that a planning condition could be used to require a Traffic Management Plan to be submitted. However, without substantive information on the potential farmers market/car boot use, I am not satisfied that it is a matter that could be adequately addressed by a planning condition.
28. I therefore find that there is insufficient information before me to demonstrate that the appeal proposal would not be likely to result in harm to highway safety. The proposal would therefore be contrary to Policy T1 of the LP which seeks, amongst other things, that development does not lead to highway safety problems or cause unacceptable impacts upon the highway network.

Other considerations

29. The appellant contends that various different initiatives have been implemented at the wider site, including the introduction of permissive footpaths and footways that link with Public Rights of Way and public footpaths, the provision of allotments and the siting of dog waste bins. Whilst the introduction of such initiatives is admirable and the Framework does advocate for development that promotes well-being, there is no evidence before me which clearly explains the demand for parking in respect of these uses, or whether any such demand can be adequately accommodated within the existing arrangements on the wider site.
30. As stated above, whilst the appellant identifies that the car park could be used for overspill parking when village events take place, there is no substantive information before me that there is a need for such overspill car parking in this location.
31. The potential use of land within the wider site for a farmers' market or car boot sale in line with the limitations of permitted development rights is also raised as a public benefit. Whilst I accept that the use for a farmers market/car boot sale maybe a theoretical possibility, there is little compelling evidence before me, such as a business plan or a lawful development certificate suggesting that it would occur. Nevertheless, I am mindful that the Framework supports sustainable growth and the expansion of rural businesses. Given the limited information before me on this potential use I can attribute only limited weight to it as a benefit.

32. Having regard to the evidence before me, I find that these other considerations, cumulatively, attract only limited weight.

Green Belt Balance

33. The proposal would be inappropriate development in the Green Belt, which is harmful by definition and to which I attach substantial weight as required by the Framework. The proposed development would reduce the openness of the Green Belt, and would not accord with one of the purposes of the Green Belt set out at paragraph 143 of the Framework.
34. The appeal proposal would also encourage the use of the private car and, based on the information before me, it has not been demonstrated that it would not be likely to result in harm to highway safety. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
35. The other considerations put forward by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt nor would they outweigh the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matter

36. I note from the submitted information that there is a dispute as to whether Biodiversity Net Gain is adequately provided for. Nevertheless, given I am dismissing the appeal based on the main issues, I have not considered this matter further.

Conclusion

37. In conclusion, the proposal would be contrary to the development plan as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all matters raised, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR