



Appeal Decision

Site visit made on 26 August 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/X1925/W/25/3368416

Land Adjacent to Breachwood Green Industrial Park, Pastures Lane, Breachwood Green, Hitchin SG4 8NY

- 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 CORA INVESTMENTS LIMITED against the decision of North Hertfordshire District Council.
 - The application Ref is 25/00975/FP.
 - The development is described as a “retrospective planning application for a car park with 28 spaces to serve the adjacent industrial area”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form indicates that the application is retrospective, and that the development is complete. I observed during my site visit that the site access and land has been surfaced with a crushed material, and a gate has been installed back from the highway which appeared to have been completed in accordance with the plans before me. I also observed that CCTV and lighting has been installed. However, these are not included in the description of development, and neither are they clearly shown on the submitted plans. As such, I have not factored them into my determination of this appeal.
3. The appellant refers to a plan review having commenced. It is unclear at what stage the plan review is at, but the appellant indicates it is not sufficiently advanced. The Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I have therefore based my decision on the current adopted development plan.

Main Issues

4. The main issues are:
 - whether the scheme constitutes inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework), including the effect upon the openness and purposes of the Green Belt;
 - the effect of the scheme on the character and appearance of the area;
 - the effect of the scheme on highway and pedestrian safety, having particular regard to the characteristics of Pastures Lane and the location of the site; and

- if the scheme is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

5. The appeal site relates to a broadly rectangular parcel of land located off a bend on Pastures Lane. The land and access have been surfaced with a crushed material and a gate has been installed. The appellant states the land is in use as a car park for employees of the nearby Breachwood Green Industrial Park. The Council estimates the Industrial Park is approximately 120m to the north-west of the appeal site, beyond the adjacent residential property. The appeal site is otherwise set within a wider agricultural landscape and is within the Green Belt.
6. 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, certain forms of development are not inappropriate, and several exceptions are listed in the Framework. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (the LP) states that development will only be permitted in the Green Belt where it would not result in inappropriate development or where very special circumstances have been demonstrated. The supporting text to this policy explains that developments in the Green Belt will be considered against national policy.
7. The formation of the car park constitutes an engineering operation. Paragraph 154(h)ii of the Framework states that engineering operations are not inappropriate development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Openness is an essential characteristic of the Green Belt and is capable of having both spatial and visual aspects.
8. The evidence indicates that the site was formerly agricultural land, free from any development, with an unmade access off the highway enclosed by a field gate. The surfacing of the appeal site and the widened access with a crushed, dark coloured material does not have a similar appearance to grass or the surrounding agricultural land. Spatially, this introduction of development into land that was formerly open has had a clear and demonstrable effect on the openness of the Green Belt. It also represents clear encroachment into the countryside which contravenes the purposes for which the Green Belt serves and the purposes of including land within it.
9. Landscaping along the site frontage provides some screening from the highway and the wider field that the appeal site is part of is relatively well contained by established trees and hedgerows. However, the openness of the Green Belt and its rural characteristics are nevertheless still evident in the surrounding area. Views of the development are achievable from the highway down the site access, from the public right of way to the west where there is a break in the boundary vegetation around the wider field, and from the adjacent residential property. Whilst additional planting is proposed at either end of the site, the encroachment of the development into the surrounding agricultural land has nevertheless led to a visual reduction in the openness of the Green Belt. Overall, when the spatial and visual effects are taken together, there has been substantial harm to the openness and purposes of the Green Belt.

Accordingly, the scheme does not meet the exception set out in paragraph 154(h)ii of the Framework.

10. The appeal scheme also clearly constitutes a material change of use of the land, given the site was formerly in agricultural use and the appellant states it is now in use as a car park serving the nearby Industrial Park. The Council refers to the exception listed under paragraph 154(h)v of the Framework which states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, as the use of the land as a car park for an Industrial Park does not closely align with the examples of the uses given in the Framework, it would not fall under this exception.
11. Nevertheless, even if I did consider it to fall under this exception, the use of the site as a car park has had a clear spatial impact on the openness of the Green Belt given the number of vehicles that are parked on what was previously part of a wider parcel of open agricultural land. I observed 25 cars parked on the appeal site during my site visit and the evidence suggests that numerous vehicles are parked in the car park for a large portion of the day, five days a week. Given the appellant states the car park is solely for the use of the Industrial Park, any associated vehicle trips on the highway network would be a product of the existing Industrial Park use rather than the car park itself. However, this does not overcome the fact that the use of the land for parking has spread the use of the Industrial Park beyond its existing boundaries and resulted in an increase in vehicle movements and activity on the appeal site itself. Thus, a condition to restrict the car park to only users of the Industrial Park, as the appellant suggests, would not overcome or mitigate the harm identified.
12. Whilst additional landscaping may reduce visibility of the parked cars from the adjacent dwelling and the public right of way where views are already relatively filtered, it would likely take many years to establish as effective screening. The parked cars would also continue to be visible from down the site access which visually harms openness. Nevertheless, even if the land was not readily visible from public vantage points, the parking use has still had a significant spatial effect on openness and spread development beyond the established boundary of the Industrial Park, on land that is divorced from it. I appreciate that the car park is not permanently full, however, it would not need to be to impact the openness of the Green Belt and encroach into the countryside.
13. Overall, the change of use has had a demonstrable and significant adverse spatial and visual effect on the openness of the Green Belt and has encroached into the countryside which contravenes the purposes for which the Green Belt serves and the purposes of including land within it. Accordingly, the scheme does not meet the exception set out in paragraph 154(h)v of the Framework either.
14. The appellant invites me to consider the formation of the car park under the exception at paragraph 154(h)iii of the Framework which allows for local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Local transport infrastructure is not defined in the Framework. However, on plain reading of this exception, I consider it to relate to infrastructure such as new roads, train stations or bus stops. As such, the exception is not directly relevant to this appeal which relates to a private car park. However, even if I were to consider the

scheme under this exception point, I have found that it does not preserve the openness or the purposes of the Green Belt in any event.

15. Moreover, to meet this exception it would also be necessary to demonstrate a requirement for a Green Belt location. Annex 5 of the appellant's statement of case refers to a total of 25 staff employed at the site. Whilst the appellant refers to the car park being necessary due to a lack of public transport options and to prevent staff from parking on the local highway network, there is no substantive evidence before me which explains why staff parking cannot be sufficiently accommodated within the 20 parking spaces designated in the Industrial Park. No evidence has been put to me that the additional 28 parking spaces provided on the appeal site are required due to the growth of business operations. Therefore, the appellant has not demonstrated why there is a requirement for this development to be located within the Green Belt. Consequently, the appeal scheme does not meet the exception under paragraph 154(h)iii of the Framework.
16. The appellant also contends that the scheme is acceptable grey belt development. Paragraph 155 of the Framework states that other development in the Green Belt should not be regarded as inappropriate where it utilises grey belt land subject to several criteria. The appeal site is not within or close to a large built-up area, nor does it prevent neighbouring towns merging, or preserve the setting and special character of a historic town. As such, it does not strongly contribute to any of purposes (a), (b) or (d) of paragraph 143 of the Framework and therefore meets the Framework definition of grey belt land for the purposes of this appeal. The criteria at paragraph 155 of the Framework therefore apply.
17. One of the criteria requires there to be a demonstrable unmet need for the type of development proposed. However, as previously mentioned, there are existing parking areas within the Industrial Park and no substantive evidence before me which explains why these are not suitable or sufficient or why a further parking area is required. Whilst it may be convenient for the car park to be located on land relatively close to the Industrial Park, the appellant has not shown there is a demonstrable unmet need for it. Consequently, the scheme fails to meet the requirements of criterion (b) and therefore the exception at paragraph 155 cannot be met.
18. Consequently, the appeal scheme does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework. The scheme is therefore inappropriate development within the Green Belt and results in substantial harm to the openness and purposes of the Green Belt.
19. In accordance with paragraph 153 of the Framework, substantial weight should be 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. These are considered below.

Character and appearance

20. The appeal site is part of a wider, open agricultural field that is bound by trees and vegetation. However, despite the screening this affords, the car park and cars parked within it are visible from various points as described above and the surfaced site access and gate are also visible from the highway. The result of which has been an

urbanising effect that detracts from the character of the predominately agricultural, rural landscape. I note the Industrial Park itself has an effect on the rural character of the area; however, it is well contained within defined boundaries. The car park is divorced from this site and encroaches into an otherwise open agricultural field, resulting in the sprawling of development into the countryside and an increase in activity on the land. As a result, the appeal scheme has an adverse impact on the rural character and appearance of the landscape.

21. While additional landscaping may help to reduce the visibility of the site from the adjacent dwelling and public right of way, it would likely take many years to establish as effective screening. Nevertheless, parked cars would continue to be visible from the highway and down the site access, eroding the rural character of the area. The appellant states that the car park provides a benefit by removing cars from being parked on the highway which they contend also has an adverse effect on the character and appearance of the area. However, from my observations, Pastures Lane is very narrow and provides limited opportunities for on-street parking in the vicinity of the Industrial Park. Moreover, there are designated areas for parking within the Industrial Park itself, and there is no substantive evidence which demonstrates why these areas are not suitable or sufficient for staff parking. As such, this attracts very limited weight and does not outweigh the harm identified.
22. Nevertheless, for the above reasons I conclude the development would result in harm to the character and appearance of the area. Consequently, it would conflict with Policies SP9 and D1 of the LP which together and amongst other things, support new development where it is well designed and located and responds positively to the site's local context.

Highway safety

23. Pastures Lane is a classified road that is subject to a 60mph speed limit. It is a very narrow, rural lane with very few passing places and no footpaths or street lighting. To the north-west of the site access the lane bends sharply and this, coupled with vegetation that bounds the highway, has the effect of reducing visibility from the site access.
24. The vehicle sight line plan shows visibility to the north-west is restricted by the bend in the road. The plan does not contain any annotations which state the distance that a driver can see to the left or right when exiting the site on to Pastures Lane. However, Annex 5 of the appellant's statement of case cites a visibility splay of 2.4m x 25m. This is stated to be based on a representative speed of 20mph, as the appellant contends that the vertical and horizontal alignment of the road restricts the speed at which vehicles can safely travel.
25. However, this is much lower than the 60mph speed limit of Pastures Lane and is not supported by any evidence of actual traffic speed data. The Council has not specified what an appropriate visibility splay from the access might be. However, from the evidence before me, the appellant has based their visibility splays on vehicle speeds being 40mph below the speed limit of the road and this has not been supported by any empirical data. In the absence of any substantive evidence, I cannot be certain that this is an accurate representation of road conditions. On this basis, the appeal scheme fails to demonstrate that the visibility splays are appropriate and therefore that the development does not compromise highway safety on Pastures Lane. This is contrary to Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 (the HLTP) which seeks

to ensure that access arrangements are safe, suitable for all people and built to an adequate standard.

26. The appellant states that pedestrian access to the Industrial Park is achievable via an internal footway link, however, this is not shown on the plans or included within the application. Representations made by interested parties also refer to staff walking down Pastures Lane to reach the Industrial Park. I have no substantive evidence before me which details pedestrian sight lines. However, from my observations, pedestrian visibility is restricted due to the nature of the surrounding highway between the appeal site and the Industrial Park. This, coupled with the lack of street lighting and footway and the fact that the road has a 60mph speed limit, would pose a risk to pedestrian safety, particularly in the hours of darkness. I am therefore not satisfied the appeal scheme demonstrates that the development does not compromise pedestrian safety.
27. I note the appellant has referred to collision data which indicates that one collision has occurred along Pastures Lane within the 25-year period up to December 2023 which was in the vicinity of the access serving the Industrial Park. The appellant therefore contends that there is no inherent road safety issue associated with the local highway network. However, this information only covers incidents that have been formally reported and does not account for the change in circumstances following the introduction of the car park at the appeal site. As such, this does not alter my findings in relation to the effect of the access arrangement on the safety of vehicular and pedestrian traffic on Pastures Lane
28. The appellant also contends that the appeal scheme improves the safety of the highway network by preventing cars from being parked on the highway. However, I have no substantive evidence before me of any pre-existing highway safety issues caused by on-street parking. Furthermore, given the Industrial Park was approved with on-site parking, it is unclear why staff parking would be displaced onto the highway, which has very limited on-street parking opportunities near the Industrial Park in any event. This therefore does not alter my findings in this respect either.
29. The Highway Authority have also raised concerns that the swept path plan does not account for any commercial vehicles that may use the car park. However, the appellant states that the car park is for staff and their private vehicles. There is no evidence to suggest that any commercial vehicles would need to access the appeal site, and the plans show the car park laid out for staff parking purposes. As such, the appeal scheme is considered to be acceptable in this regard.
30. The Council also contends that the development is unsustainable due to the amount of vehicle trips generated from the development resulting in an unacceptable impact on the local highway network and the proposal focusing on the private car rather than sustainable travel. Whilst it may be the case that the car park is not accessible by sustainable modes of transport and all staff use private cars to reach the site, the appellant's case is that the car park serves the existing Industrial Park and is required to accommodate existing staff parking. The acceptability of the location of the Industrial Park in relation to its access by sustainable transport, and thus the associated private vehicle movements on the wider highway network, has already been established through the granting of permission for this use.
31. The car park in and of itself does not generate additional vehicle trips on the highway network or the need to travel by private car. Instead, it redirects existing trips where

staff are travelling to and from an existing place of work, further down the road. As such the car park is not unsustainable in itself and does not result in any effect on traffic congestion. Therefore, it does not compromise highway safety in this respect and does not conflict with Policies 1 and 2 of HLTP where they seek to encourage developments to be located where they will encourage greater and safer use of sustainable transport modes and the transport user hierarchy.

32. Nevertheless, for the above reasons the evidence before me fails to satisfy me that the scheme does not have harmful effect on highway and pedestrian safety, having particular regard to the characteristics of Pastures Lane. This is contrary to Policy T1 of the LP which seeks to ensure that development does not lead to highway safety problems.

Other considerations

33. The appellant's case is that the car park is necessary to prevent employee vehicles being parked on the highway and in the nearby village which has consequential effects on the openness of the Green Belt and highway safety.
34. However, I have already explained that the approved plans for the Industrial Park included 20 on-site parking spaces which contained parking within the boundaries of the site. This prevented any encroachment into the surrounding countryside and limited the spatial and visual effects of staff parking on the openness of the Green Belt. It is unclear why staff parking cannot be sufficiently accommodated within these approved areas or why 28 additional parking spaces would be required for the existing 25 staff. However, given the surrounding highway conditions, even if cars were displaced onto the highway, it would be more dispersed, and thus, unlikely to have the scale of effect on the openness of the Green Belt as the appeal scheme. Moreover, I accept the desirability of preventing parking on the highway; however, I have very little evidence before me to support the contention that the car park results in any substantive improvement in surrounding highway safety. As such, I afford these considerations minimal weight.
35. The appellant also refers to the flight path of Luton Airport over the appeal site having an effect on the openness of the Green Belt and this having been found to be acceptable during the consideration of the airport expansion. However, the nature of the appeal scheme and its associated effects and benefits are distinctly different to the expansion of an airport. As such, the two schemes are not directly comparable, and the proximity of the airport flight path does not alter my conclusions in relation to the effects of the appeal scheme. As such, I afford this minimal weight.
36. The Framework seeks to support a prosperous rural economy, and the appeal scheme provides facilities which support an existing rural Industrial Park site. However, as I have no substantive evidence as to how the car park supports the current operation of the business and how it would be affected if staff parking were to be relocated to within the confines of the Industrial Park, I afford such economic benefits limited weight.
37. The scheme also proposes additional planting. Despite Biodiversity Net Gain (BNG) not being applicable to retrospective planning applications, the appellant has suggested a condition to secure a Biodiversity Gain Plan and a 10% Biodiversity Net Gain (BNG) on the appeal site. I have very limited information before me as to the former or current biodiversity value of the site and how a 10% BNG would be achieved. However, a 10% BNG would still provide environmental benefits and as such would attract moderate positive weight.

Planning Balance and Conclusion

38. The development would result in harm to the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment, thus conflicting with the purposes of including land within it. Consequently, the development would not fall under any of the listed exceptions and would therefore be inappropriate development, which is harmful by definition. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances.
39. Whilst I have found the location of the site to be suitable in respect of access to sustainable transport, I have concluded that the scheme results in harm to the character and appearance of the area. I have also found that the appellant has not demonstrated that scheme does not have a harmful effect on highway and pedestrian safety. This harm renders the development contrary to the requirements of the Council's abovementioned development plan policies and in conflict with the Framework where it seeks the creation of well-designed places and to prevent unacceptable impacts on highway safety. Consequently, this attracts significant weight.
40. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Overall, when taken together, the abovementioned benefits of the scheme attract limited weight in favour of the proposal. Therefore, the other considerations in this case are not sufficient to clearly outweigh the totality of harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. This conflicts with Policy SP5 of the LP which states that development will only be permitted in the Green Belt where it would not result in inappropriate development or where very special circumstances have been demonstrated.
41. I therefore conclude that the appeal scheme conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

H Whitfield

INSPECTOR