

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

**APPLICATION No: S6/2014/1048FP**

**SITE ADDRESS: PET FARM, BELL LANE, BROOKMANS PARK**

**DESCRIPTION OF DEVELOPMENT: FORMATION OF VEHICULAR ACCESS,  
INCLUDING ACCESS GATES AND HARDSTANDING**

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**RECOMMENDATION: REFUSAL WITH REASONS**

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**1. SITE AND APPLICATION DESCRIPTION:**

The proposed site is accessed via Bell Lane.

The site is a small agricultural field which belongs to Pet Farm, which consists of a residential dwelling and a few outbuildings which are linked to the main host property.

The proposal is for the formation of a vehicular access to Great North Road, with associated access gates and hardstanding, giving direct access to the parcel of land via Great North Road as opposed to the current arrangements to Bell Lane itself.

The new access to be created will be 6.4 metres wide, following the removal of existing trees and shrubs. The proposed timber/electric gates will be 1.5 metres high and 6.4 metres wide. The proposed area of tarmac hardstanding will be 9 metres x 9 metres and will be located at the proposed new entrance to the land. An area of block paving will also be formed approximately 19 metres x 7 metres.

**2. SITE DESIGNATION:**

The site lies within Brookmans Park and within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

**3. RELEVANT PLANNING HISTORY:**

S6/1986/0988/DE - Erection of detached bungalow after demolition of existing buildings, approved 01/06/1987

S6/1985/0732/OP - Site for new dwelling, approved 14/02/1986

**4. CONSULTATIONS:**

Welwyn Hatfield Borough Council, Landscaping Team submitted the following comments as summarised below:

- No arboricultural information has been submitted as part of the application.

- A hole (gateway) will be punched through the current overgrown hedge/scrub area. Although these are self set trees they do add significantly to the amenity of the area and screen the adjacent eateries
- Hard standings within the RPA (Root Protection Area) of trees should be no-dig or constructed in such a way as to avoid damage.
- No compensatory tree planting has been suggested

## Hertfordshire Transport Programmes and Strategy (HTPS) – Objects

The reasons are summarised as follows:

- The development would create an unsafe access on a Principal A Road
- Would lead to conflict and interfere with the free and safe flow of traffic
- The site currently has access via Bell Lane which is an unclassified road
- Given traffic volume, the strategic nature of the road and the vehicle speeds in the area, imperative that the proposed access is safe and to an acceptable standard.
- The applicant has failed to identify whether adequate visibility is available from the access.
- Concerned that the applicant may be unable to achieve the necessary visibility splays to the SE (nearside oncoming traffic).
- A review of accident statistics for the immediate area identify a number of minor accidents, occurring not only in proximity to highway junctions but also to those limited number of frontage accesses to properties. The formation of a new access shall introduced further points of conflicts, and without adequate visibility shall be prejudicial to highway safety, without the necessary visibility the access will contribute to the risk of such collisions.
- Site visit confirms that visibility is significantly constrained

### **5. NEIGHBOUR REPRESENTATIONS:**

No representations have been received from the public.

### **6. TOWN/PARISH COUNCIL REPRESENTATIONS**

North Mymms Parish Council objects to the overuse of hard surface on the site in the Green Belt, the appearance of materials would conflict with the existing Green Belt green landscaping and also objects to the removal of mature trees/bushes to form an opening.

### **7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:**

The main planning issues with this application are:

- a) Whether the proposal would amount to inappropriate development within the Green Belt and whether there would be any other harm to it and, if so, whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm, which together represent the very special circumstances necessary to justify the proposal (NPPF paragraphs 87-90, Local Plan Policies GBSP1, R3, D1, D2 and SDG).

b) The impact on highway safety (Policy D1 of the Welwyn Hatfield District Plan 2005, Paragraph 32 of the NPPF and the Approved Hertfordshire County Council Design Guide of January 2011 'Roads in Hertfordshire: Highway Design Guide 3rd Edition – Design Standards and Advice'.

## **8. ANALYSIS:**

a) The main issue is whether the proposal would amount to inappropriate development within the Green Belt and whether there would be any other harm to it and, if so, whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm, which together represent the very special circumstances necessary to justify the proposal (NPPF paragraphs 87-90, Local Plan Policies GBSP1, R3, D1, D2 and SDG).

### Appropriateness

The proposed gates would be classed as a "new building" which is inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances

The proposed hardstanding does not fall within any of the categories of development identified as appropriate by the National Planning Policy Framework and it is not a form of development which is identified as acceptable by the Welwyn Hatfield District Plan. Therefore the proposals are considered as inappropriate development within the Green Belt.

### Impact on the openness of the Green Belt

In terms of the effect of the proposal on the openness of the Green Belt and its visual amenity, the NPPF identifies in paragraph 79 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.

The formation of this new access point, with extensive hardstanding and erection of gates would result in additional built form which inevitably would lead to an increase in the impact on the openness of the Green Belt. By introducing a new driveway of mixed tarmac and block paving would create an extensive area of hard surface that would cross a largely undisturbed field and extend into the site for a considerable distance. This arrangement would erode the openness of the Green Belt.

### Purposes of including land in the Green Belt

With regard to the purposes of including land within the Green Belt which are set out within paragraph 80 of the NPPF, it is relevant that the application site consists of an existing residential plot. As such, the proposal would result in encroachment of development into the countryside and would fail to comply with the five purposes of including land within the Green Belt.

Policies D1 and D2 of the adopted Welwyn Hatfield District Plan are also relevant. Collectively, these policies seek to encourage development of a high design standard, which should respect and relate to the character and context of the area in which it is to be sited.

The scale of the proposed hardstanding and associated access gates required to form the new access would conflict with a purpose of including land within the Green Belt, with in particular the length of the new driveway/hardstanding likely to accentuate the presence of the new feature in the landscape and thus exacerbate its impact. For these reasons, it is considered that the proposal conflicts with the NPPF, which adds to the harm by reason of inappropriateness.

Therefore the proposed hardstanding and new access would represent inappropriate development. The proposed development is therefore contrary to Green Belt Policy contained in the National Planning Policy Framework and defined by Local Plan Policy GBSP1 of the Welwyn Hatfield District Plan 2005. Furthermore, the application has failed to demonstrate that Very Special Circumstances exist to justify inappropriate development and that the resulting harm, by reason of the development's inappropriateness and any other harm, is clearly outweighed by other considerations.

b) The impact on highway safety (Policy D1 of the Welwyn Hatfield District Plan 2005, Paragraph 32 of the NPPF and the Approved Hertfordshire County Council Design Guide of January 2011 'Roads in Hertfordshire: Highway Design Guide 3rd Edition – Design Standards and Advice'.

The Hertfordshire Transport Programmes and Strategy (HTPS) as local highway authority has objected to the planning application with reasons summarised above.

Presently the site enjoys vehicular access to Bell Lane, an Un-numbered Classified Road (C road), providing a Local Access function. The applicant suggests the site is provided with existing timber gate access to Great North Road, however the boundary at this point suggests that this access has been extinguished for a considerable period of time, and there appears to be no evidence of this access being served by a crossover. The access is therefore considered to represent a new point of access.

Clearly the applicant enjoys existing highway access from a lower category of road and it shall be necessary for the applicant to fully satisfy the Highway Authority that the proposed access is beneficial in highway terms for all people sufficient to overcome the position that new accesses onto this classification of road are not normally permitted.

The applicant has failed to identify whether adequate visibility is available from the access and has been unable to achieve the necessary visibility splays to the SE (nearside oncoming traffic). A review of accident statistics for the immediate area identified a number of minor accidents, occurring not only in proximity to highway junctions but also to those limited number of frontage accesses to properties. The formation of a new access shall introduce further points of conflicts, and without adequate visibility shall be prejudicial to highway safety, without the necessary

visibility the access will contribute to the risk of such collisions. Site visit confirms that visibility is significantly constrained and that here is a notable difference in levels behind the highway, and land to be served by the proposed access, this shall further prejudice visibility available to vehicles exiting the site and also represent additional demands upon a driver in terms of leaving the site.

The provision of gated access at the back edge of the carriageway is also unacceptable in this location. Whilst the applicant suggests within the supporting statement that gates will be automatic and operated by remote control, the applicant will not have sufficient control over vehicles seeking to access the site to ensure all vehicles are provided with the means to open the gates (i.e. deliveries and other visitors to the site) and therefore shall give rise to vehicles blocking the A1000 whilst seeking to gain access to the site, prejudicial to the safety of the highway network and contrary to the function of the A1000 in carrying large volumes of traffic and freight.

Paragraph 32 of the NPPF states that both plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

No detailed plan or reasons for justification has been put forward to overcome these concerns, therefore the proposal fails to comply with the NPPF, the Approved Hertfordshire County Council Design Guide of January 2011 'Roads in Hertfordshire: Highway Design Guide 3rd Edition – Design Standards and Advice' and Policy D1 of the Welwyn Hatfield District Plan 2005.

## **9. CONCLUSION:**

### **REASONS FOR REFUSAL**

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed hardstanding and new access would represent inappropriate development. The proposed development is therefore contrary to Green Belt Policy contained in the National Planning Policy Framework and defined by Local Plan Policy GBSP1 of the Welwyn Hatfield District Plan 2005. Furthermore, the application has failed to demonstrate that Very Special Circumstances exist to justify inappropriate development and that the resulting harm, by reason of the development's inappropriateness and any other harm, is clearly outweighed by other considerations.
2. The development , if implemented, would lead to the creation of an unsafe new access on a section of a Principal 'A' Road, whereby the slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the free and safe flow of traffic on the highway (A1000 Great North Road) and be detrimental to highway safety and as such would fail to comply with Paragraph 32 of the National Planning Policy Framework 2012, Policy D1 of the Welwyn Hatfield District Plan 2005 and standards in

'Roads in Hertfordshire: Highway Design Guide 3rd Edition of January 2011 -  
Section 2 Chapter 9.'

**Summary of reasons for refusal**

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

REFUSED PLANS: 231\_L(0) 003 & 231\_L(0) 002 & 231\_L(0) 001 received 12 June 2014.

**INFORMATIVES:** N/A

**Signature of author..... Date.....**