

## PLANNING COMMITTEE – THURSDAY 17<sup>TH</sup> APRIL 2025

### **24/1384/RSP – Part Retrospective: Change of use of land to provide for 11 no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building at Little Liz, Old House Lane, Kings Langley, WD4 8RS**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 12.11.2024  
(Extension of Time: 25.04.2025)

Ward: Gade Valley  
Case Officer: Scott Volker

Recommendation: That subject to no new material considerations being raised and following the expiration of the consultation period (25 April 2025), the decision be delegated to the Head of Regulatory Services to grant part-retrospective planning permission, subject to conditions.

Reason for consideration by the Committee: Called-in by three Members of the Planning Committee due to the Green Belt location.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ0XKPQFL1X00>

## **1 Relevant Planning History**

- 1.1 11/0725/FUL - Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing and utility/ dayroom ancillary to that use. Refused for the following reason:
- R1: The change of use of the land to create two gypsy pitches constitutes inappropriate development in the Metropolitan Green Belt. No very special circumstances have been demonstrated to overcome the presumption against inappropriate development in the Metropolitan Green Belt. Furthermore the siting of caravans on this site, with associated urbanising development, fails to preserve the openness and rural character of the Metropolitan Green Belt and character and amenities of the locality, to the detriment of the visual amenities of the area. This is contrary to PPG2, Policy GB1 of the Three Rivers Local Plan 1996-2011 and Policies CP1, CP5, CP11 and CP12 of the Core Strategy Submission Version / Proposed Changes (February and July 2011).*
- 1.2 Temporary planning permission permitting the use of the site for four caravans of which no more than two should be static caravans up until July 2015 was subsequently allowed on appeal: APP/P1940/A/11/2160486 and APP/P1940/C/11/2164949 (relating to Enforcement Case 10/0439/COMP). In considering the resultant appeal, the Inspector determined that the personal circumstances of the appellant, in conjunction with the general level of unmet need in Three Rivers, outweighed the harm caused to the openness of the Green Belt and therefore resolved to grant temporary permission for a period of three years from the date of the decision (decision dated 9 July 2012). Costs were also awarded against the Council for its failure to adequately assess the level of Gypsy/Traveller site provision in Three Rivers, the merits of granting a temporary permission and the human rights of the applicant.
- 1.3 13/2256/FUL - Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use. Permitted and implemented.
- 1.4 16/0958/FUL - Removal of Conditions 1 (Personal) and 3 (Temporary Period) of planning permission 13/2256/FUL (Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and

utility/dayrooms ancillary to that use] to allow use as a permanent site for 3 no. gypsy pitches - Temporary planning permission granted for a further 18 months (expiring 1 January 2018).

- 1.4.1 This decision was appealed by the applicant under APP/P1940/W/16/3164710 and was subsequently granted for permanent planning permission by The Planning Inspector. During the course of appeal, following a change in policy (the Council resolved that the Gypsy Traveller and Travelling Showpeople Local Development Document LDD, which was never adopted but initially anticipated for adoption in 2013, was to now progress through the preparation of the new Local Plan), the Local Planning Authority (LPA) proposed a three year occupancy and to allow the site to be occupied by the applicant's sister.
- 1.4.2 In reaching her decision, the Inspector cited that the unmet need, failure of policy, lack of alternative sites, personal circumstances of applicant and wider family outweighed the inappropriateness of the development in the Green Belt, the additional harm from loss of openness, failure to safeguard the countryside from encroachment and the limited harm to the character of the rural area.
- 1.4.3 Planning permission was therefore granted by the Inspector on 23 June 2017 for permanent planning permission and personal only to the applicant and close family and their resident dependants' (3 gypsy pitches).
- 1.5 18/0821/FUL - Use of land for the stationing of caravans for residential purposes for 6 no. gypsy pitches together (6 static caravans and five touring caravans) with the formation of additional hard standing, 3 ancillary utility/dayroom blocks and stable block – Permitted July 2018 and implemented.
- 1.6 22/1573/FUL - Change of use of land to provide for 4no. additional pitches for residential purposes together with the formation of hardstanding and driveway – Permitted December 2022.
- 1.7 23/1315/FUL - Variation of Condition 6 (Landscaping Scheme) pursuant to planning permission 22/1573/FUL (Change of use of land to provide for 4no. additional pitches for residential purposes together with the formation of hardstanding and driveway) to include additional soft landscaping with associated boundary treatments – Permitted September 2023.

## **2 Description of Application Site**

- 2.1 The application site forms part of a parcel of land located immediately to the north and east of the existing and well-established traveller site known as Little Liz including the existing vehicular access point via Old House Lane. Works have recently begun on the site following the grant of planning permission referenced 22/1573/FUL (later varied under application 23/1315/FUL) to expand the existing Little Liz site to provide four additional pitches. The works to date have included the laying of hardstanding to create the new service road and footways. Seven static caravans and two touring caravans have already been brought onto the site, some of them are occupied.
- 2.2 The site is positioned close to the junction with Old House Lane and Langleybury Lane.
- 2.3 The existing Little Liz site contains six pitches enclosed by close boarded fencing, a stable block and an associated paddock, adjacent to Old House Lane with the wider site (enclosed in blue) forming part of a woodland tree preservation order (T235), part of which was removed and re-planted. To the west of the application site and beyond the tree line buffer is the M25 motorway.
- 2.4 In terms of policy designations, the application site is situated within the Metropolitan Green Belt and comprises land within the woodland tree preservation order.

## **3 Description of Proposed Development**

- 3.1 Part-retrospective planning permission is sought for the change of use of the land to accommodate 11 additional gypsy pitches caravans for residential purposes, together with laying of hardstanding and construction of a dayroom. The application if granted would take the total number of pitches across the Little Liz site to 17.
- 3.2 The layout of the new pitches has been arranged to read as an extension of the existing caravan site. The pitches would be enclosed by post and rail fencing and complimented by hedge planting.
- 3.3 The proposed day room would measure 18m in width (excluding bay window features), 10m in depth (excluding bay window feature) and would have a gabled roof form measuring 6m in height; sloping down to an eaves height of 2.7m to the front and rear. Glazing is proposed to three of the four elevations. The day room would contain a kitchen/dining area, living room, bathroom, utility room, office and a playroom. The day room would be located within the western corner of the extended part of the site at the end of the internal service road.
- 3.4 Works to construct the internal access road have already begun and would serve the new pitches and day room. The road would extend eastwards from the existing entrance and would meander to the proposed area subject of the eleven new pitches.
- 3.5 For clarity, a single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth, 6.8 metres in width and 3.05 metres internal height.
- 3.6 Amended plans were received during the course of the application reducing the size of the day room building by 3m in width and 0.6m in height and its position it within the site.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Abbots Langley Parish Council: Comments received.**

*Whilst members appreciate the need for the Little Liz community to grow, we are concerned regarding the expansion of the site within the Greenbelt and the fact that it would suggest inappropriate development within the greenbelt.*

*We have sought further information from the planning officer but as we are still awaiting a response we would suggest that we defer full response until we have confirmation regarding the issues regarding the appropriateness of the development within its planning confines.*

*Issues we have are*

- We understand that the Three rivers district Council are looking at the GTAA under the Local Plan Proposals and would appreciate further confirmation as to how that process will affect this application.*
- Members are confused as to the extent of the application, as there appears to be an additional 7 bays as opposed to the 11 bays noted on the application (plan PBA1). Member would like confirmation as to whether this is an extension to the previous scheme, or a reduction and addition to the current scheme.*
- We note the historical loss of trees and would request the ability within this application to replace these, and if a BNG greater than the statutory 10% could be attributed to any application should it be approved.*

#### 4.1.2 TRDC Local Plans Section: Comments received

*The application proposes the change of use of land to provide for 11 pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building. The application site is located entirely within the Metropolitan Green Belt.*

*Policy H of the 'planning policy for traveller sites' (PPTS) (December 2024) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) The existing level of local provision and need for sites*
- b) The availability (or lack) of alternative accommodation for the applicants*
- c) Other personal circumstances of the applicant*
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) That they should determine applications for sites from any travellers and not just those with local connections.*

*Policy CP5 of the Core Strategy (2011) sets out that when allocating sites or considering planning applications for sites for Gypsies and Travellers or Travelling Showpeople, a criteria based approach will be used. The following criteria will be taken into account:*

*Avoid areas at risk from flooding*

- a) Avoid causing an adverse impact on areas of recognised wildlife, heritage or landscape importance, and on the openness of the Green Belt*
- b) Be in or near existing settlements with access by foot and/ or public transport to local services, including shops, schools and healthcare*
- c) Be well located to the highway network, with safe and convenient vehicular and pedestrian access to the site*
- d) Provide adequate on-site facilities for parking, storage, play and residential amenity*
- e) Provide adequate levels of privacy and residential amenities for occupiers and not be detrimental to the amenities of adjacent occupiers*
- f) The circumstances of the applicant and their need for pitches on the application site*

*Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 149 of the National Planning Policy Framework (NPPF).*

*Policy E of PPTS (December 2024) states "inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework apply". It also states that "the Golden Rules, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites".*

*Paragraph 154 of the National Planning Policy Framework (NPPF) states that development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 of the NPPF sets out the following exceptions to inappropriate development in the Green Belt:*

- a) buildings for agriculture and forestry;*
- 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;*

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
  - i. *mineral extraction;*
  - ii. *engineering operations;*
  - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
  - vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

*Additionally, paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) *There is a demonstrable unmet need for the type of development proposed;*
- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157*

*The planning statement accompanying the application sets out that the Council cannot demonstrate that it has a five-year supply of deliverable land for gypsy sites and that its Gypsy and Traveller Accommodation Assessment (published in 2017) is out of date. It must be noted that the Council is currently in the process of undertaking an updated Gypsy and Traveller Accommodation Assessment, which will inform future need.*

4.1.3 Hertfordshire County Council - Highway Authority: No response received at time of publication; any comments received will be verbally updated at committee.

## 4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 74 (Expiry 25<sup>th</sup> April 2025)

4.2.1.1 This number were consulted on the application as they are either located near the application site or have previously commented on applications at this site.

4.2.2 No of responses received: 0 objections, 0 letters of support

4.2.3 Site Notice: Posted 14.10.2024 Expired 04.11.2024

## 5 **Reason for Delay**

5.1 Receipt of amended plans.

## **6 Relevant Planning Policy, Guidance and Legislation**

### 6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.4 Human Rights Act 1998

6.1.5 Equalities Act 2010 / Public Sector Equality Duty (PSED)

6.1.6 Housing Act 2004

6.1.7 Children Act 2004

6.1.8 The Environment Act 2021

### 6.2 Policy / Guidance

6.2.1 National Planning Policy Framework and National Planning Practice Guidance

6.2.2 In December 2024 the NPPF was updated, to be read alongside the online National Planning Practice Guidance. The 2024 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2.3 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.2.4 Planning Policy for Traveller Sites (PPTS) (December 2024) produced by Department for Communities and Local Government.

6.2.5 Three Rivers Gypsy and Traveller Accommodation Assessment (March 2025).

6.2.6 Online National Planning Practice Guidance.

### 6.3 The Three Rivers Local Development Plan.

6.3.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

6.3.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP5, CP6, CP8, CP9, CP10, CP11 and CP12.

6.3.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendix and 5.

6.4 Other

## **7 Planning Analysis**

### 7.1 Overview

7.1.1 The Little Liz traveller site was established in 2012 as a temporary site for the family of the applicant. Following an unauthorised encampment and service of an enforcement notice the applicant received temporary planning permission when appealing against the enforcement notice APP/P1940/A/11/2160486 and APP/P1940/C/11/2164949. The site originally had planning permission for 2 pitches on a temporary basis. The site has since expanded and was made permanent in 2016 (16/0958/FUL) and later increased to a total of 6 pitches in 2018 (18/0821/FUL). The latter planning permission, granted in July 2018, limits occupancy of the existing caravan site to a number of the applicant's family including their resident dependents. Within the existing site there are extensive areas of hardstanding and landscaping along with static homes, touring caravans, small timber sheds and a pitched roofed timber barn located within the south-western corner.

7.1.2 Planning permission was granted in 2022 (22/1573/FUL (later varied under application 23/1315/FUL)) to expand the existing Little Liz site to provide 4 additional pitches. As mentioned previously, works have commenced to create the internal access road.

7.1.3 The key differences between this application and the varied 2022 scheme are the quantum of pitches proposed (from 4 to 11) and the inclusion of the dayroom. Therefore, the principle of the expansion of the site and the formation of a service road has been found acceptable.

### 7.2 Impact on the Metropolitan Green Belt

7.2.1 The application site located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans.

7.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

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

7.2.3 The NPPF sets out that 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 (Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate). 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.

7.2.4 Paragraph 16 of the Planning Policy for Travellers Sites states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 'Protecting Green Belt land' of the NPPF apply.

7.2.5 Paragraph 154 sets out that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- 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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
  - i. mineral extraction;
  - ii. **engineering operations;**
  - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - v. **material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and**
  - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.6 Policy CP5 of the Core Strategy endorses support for gypsy provision but advises against development which harms the openness of the Green Belt. Due to the make-up of the District, with a substantial percentage covered by the Green Belt designation, the majority of future proposals for gypsy traveller provision is likely to be within the Green Belt and thus will conflict with Policy CP5.

7.2.7 The NPPF and Core Strategy CP11 also set out that there is a general presumption against inappropriate development in the Green Belt and this is reflected by Policy DM2 of the Development Management Policies document. Policy DM2 pre-dates the current 2024 NPPF but was adopted after the publication of the 2012 NPPF. The wording of the Green Belt chapters of the NPPF has not materially changed between the 2012 and 2024 NPPF in respect of exceptions to openness, and on that basis, it is considered that DM2 which was adopted after the 2012 NPPF was published, is consistent with the NPPF and is an up-to-date policy to which considerable weight may be attached.



- 7.2.8 The proposal involves a material change of use of the land to provide 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building. In the assessment of the 2022 application to provide 4no. pitches it was concluded that an expansion would impact on the openness on the Green Belt; however, its impact would be localised as the extension of the traveller site would be against the backdrop of the existing traveller site and only extends partially to the north with the reminder of the wider site free of built form development. In addition to harm from its inappropriateness and harm from a reduction in openness, the extension of the traveller site further north into the protected woodland was considered to conflict with one of the purposes of the Green Belt as it would fail to safeguard the countryside from encroachment. As such, the proposed development to provide 11 pitches, which would also extend the existing site further north into undeveloped land, would also be regarded as inappropriate development and with an increase in the number of pitches would exacerbate the harm to the openness of the Green Belt.
- 7.2.9 In respect of the internal road local planning policies CP11 and DM2 are silent on engineering operations; however, paragraph 154 of the NPPF states that such operations may be appropriate in the Green Belt subject to preserving openness and not conflicting with the purposes of the Green Belt. Whilst the new road will have an impact as it will facilitate activity within eastern part of the site therefore spreading development beyond the confines of the existing traveller site, it would only facilitate access to the 11 pitches. Furthermore, the access road proposed is relatively similar to that approved under application 22/1357/FUL albeit it extends closer to the west boundary of the site and it is not considered that this additional section of internal road causes significant harm in comparison to what has previously been approved. In granting planning permission under 22/1357/FUL planning conditions were attached to ensure that no vehicles or structures would be parked/stored on the road or adjacent land within the application site outside the bounds of the new pitches and that no external lighting erected. These conditions are still considered appropriate and are recommended. Further details regarding the type of surface were also be secured by condition, with a preference for an appropriate surface such as gravel rather than tarmac or block paving. Details were agreed pursuant to application 23/0365/DIS and those details have been submitted as part of this application as shown on drawing J004413-TD-06. A condition is recommended requiring the internal access road to be implemented in accordance with this drawing.
- 7.2.10 With such controls in place and when considering its positioning and limited visibility from outside the site it is considered that the road would preserve the openness of the Green Belt. In relation to the purposes of the Green Belt and having regard to the proposed road's locational context, sited between an established traveller site and Langleybury Lane, it is not considered to prejudice the aims of the Green Belt and thus would not encroach into the countryside or conflict with any other purposes of the Green Belt. As such, the laying of the internal road, subject to conditions would be appropriate development.
- 7.2.11 In respect of the new dayroom, its function would be as an amenity building for the occupants of the new pitches, the purpose of the dayroom would therefore be for ancillary purposes to the primary use of the wider site. As a new detached building, it would not fall within any of the exceptions listed at paragraph 154 above and thus would constitute inappropriate development in the Green Belt. However, Policy DM2 of the Development Management Policies LDD does allow for the provision of ancillary buildings. Policy DM2 of the Development Management Policies LDD states that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:
- a) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt
  - b) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development

- c) avoid features normally associated with the use of a building as a dwelling such as dormer windows.

- 7.2.12 Having regard to the above criteria, the new dayroom would be located in the western corner of the extended site, at the end of the internal access road and adjacent to the existing Little Liz site set back significantly from both Langleybury Lane and Old House Lane, and would be close to the existing built form and static homes within the existing Little Liz site. Concerns were raised with regards to the size of the dayroom originally proposed particularly with regards to its width and height and its resultant visual prominence and impact on openness on the Green Belt. Amendments were therefore sought to reduce its size. Amended plans were received reducing the width of the building by 3m and its height by 0.6m. No reduction to its depth was made. The revised plans also rotated the building 90° so it would be relatively in line within the five pitches on the southern side of the internal access road. Whilst officers expected a greater reduction than proposed, the siting of the dayroom and its rotation 90° reduces its prominence within the site. Furthermore, the applicant contended that the size of the dayroom that was appropriate to meet the needs of the 11 new pitches. Consideration was given to the provision of two smaller dayrooms within the site, but this would ultimately increase the extent of built form within the site and impact on the quantity of pitches provided which as explained later at a paragraph 7.2.21 below are much needed within the District. The dayroom does not include any dormer windows in respect of DM2c) but does include bay window features to the front and northern elevations which are features normally associated with the use of the building as a dwelling. Notwithstanding this, the bay windows are modest in size and would not be readily visible.
- 7.2.13 Although it is acknowledged that the proposed dayroom would not fall within any of the identified exceptions set out in the NPPF and would therefore be constitute inappropriate development, it is considered that weight must be attached to the criteria set out in Policy DM2. In this case, the development would consist of ancillary building that would be of an appropriate size to serve the needs of the site, would not appear unduly prominent in the landscape and would also not adversely affect the openness of the Green Belt in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.
- 7.2.14 To conclude, notwithstanding the dayroom and associated access road, the development constitutes inappropriate development in the Green Belt having regard to paragraph 154, which would have a moderate harmful impact on the openness of the Green Belt both spatially and visually and conflicts with one of the purposes of the Green Belt, through its failure to safeguard the countryside from encroachment.
- 7.2.15 Notwithstanding the above, paragraph 155 of the NPPF (which was inserted in 2024) states that development of homes, commercial and **other development** in the Green Belt should also not be regarded as inappropriate where all of the following a) to d) apply. It is considered that the change of use of the land would fall within 'other development' in the Green Belt, which includes all the other associated structures and developments which are intrinsically linked to the use of land as residential:
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed (Which, in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years)
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

- 7.2.16 For the purposes of plan-making and decision-making, Annex 2 of the NPPF defines 'grey belt' 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.
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- 7.2.17 The site is bound by defensible boundaries of Old House Lane to the south and Langleybury Lane to the west; a woodland and M25 are located to the west of the site and there is a landscaped buffer to the northern boundary. Thus, the site would not result in unrestricted sprawl of a large built-up area. The development would also not result in the merging of neighbouring towns or impact on the important setting of a historic town. Therefore, it is considered that the site does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would not undermine the purposes of the remaining Green Belt in respect of (c) and (3) and therefore constitutes 'grey belt' land and would satisfy the first ambit of paragraph 155.
- b) There is a demonstrable unmet need for the type of development proposed*
- 7.2.18 The Planning Policy for Traveller sites (PPTS) was updated in December 2024 and included a change to the planning definition of Gypsies and Travellers for the purpose of planning policy, which has been amended as follows:
- 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, **and all other persons with a cultural tradition of nomadism or of living in a caravan**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such **[emphasis added]**.'*
- 7.2.19 The PPTS allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople within their relevant district. The assessments should be updated annually and identify a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets and identify locations for growth, for years 6 to 10, and where possible, for years 11 to 15.
- 7.2.20 TRDC Local Plans confirmed the Council were undertaking an updated Gypsy and Traveller Accommodation Needs Assessment at the time of making their representation for the application. This assessment has recently been published and concluded that there is a need for 49 additional pitches, over the period 2024/25 to 2040/41. Out of the 49 pitches, 41 met the 2023 planning definition; 5 pitches for undetermined households and 3 pitches who do not meet planning definition; however, it is important to note that the PPTS was updated in December 2024 and the planning definition of a Traveller in Annex 1 was amended (defined above). As a result of this an updated version of this GTAA Report is to be prepared in due course that reflects the changes in the current PPTS. The need figures that are included in this Report will not change; however, it is understood that the 3 pitches who did not meet the 2023 definition now meet the updated 2024 definition. Since the assessment was undertaken the LPA have recently granted planning permission for a single pitch at Keepers Cottage, Solesbridge Lane, Chorleywood (Ref: 25/0008/RSP).
- 7.2.21 Consequently, there is clear demonstrable unmet need for housing within the District in respect of 155b).
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework*

- 7.2.22 In respect of 155c), the location of the site is outside of any defined settlement boundary set out in the Core Strategy.
- 7.2.23 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF states that there are three overarching objectives to sustainable development – economic, social and environmental; which are interdependent and need to be pursued in mutually supportive ways - essentially there must be a balance between the three.
- 7.2.24 Hunton Bridge is about 1.5km away from the application site which contains a convenience store, two public houses and a primary school (St Paul's C of E). There are also bus stops on the A41 at this point and 3 bus services provide a regular service between Kings Langley and Watford on Mondays to Saturdays with some services on Sundays as well.
- 7.2.25 In the 2012 planning appeal (PINs Ref: APP/P1940/A/11/2160486) in connection with application 11/0725/FUL listed at Section 1 of this report, the Planning Inspector confirmed that the whilst the site is not particularly conveniently located in terms of access to healthcare services and at odds with the criteria c) of Policy CP5 of the Core Strategy, which requires sites to be in or near existing settlements with access by foot and/or public transport to local services, including shops, schools and healthcare, it was considered that the site met the overall thrust of guidance on sustainable development in the NPPF and PPTS and therefore was considered an acceptable location. Furthermore, the proposal is for the provision of 11 new pitches which is not considered to be a significant development with regard to paragraph 110 of the NPPF.
- 7.2.26 Consequently, it is considered that the location of the site would be acceptable in the context of 155c).

*d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157*

- 7.2.27 Finally, Policy E of PPTS (December 2024) states that the Golden Rules, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites and is therefore not applicable in the assessment of this application in respect of paragraph 155d).
- 7.2.28 In conclusion, it is considered that the proposed development would utilise grey belt land, there is a demonstrable unmet need for traveller pitches within the District and the site is located is a sustainable location. Thus, the development as a whole satisfies the requirements of paragraph 155 and therefore is not regarded as inappropriate development within the Green Belt. There is no direct harm to the openness of the Green Belt as a result. The development therefore complies with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Plan LDD and the NPPF (2024).

### 7.3 Impact on Landscape character and Street Scene

- 7.3.1 Policy CP12 of the Core Strategy states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.3.2 Policy DM7 of the Development Management Policies LDD states that the Council will require proposals to make a positive contribution to the surrounding landscape and that proposals which would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused.
- 7.3.3 As previously mentioned above the existing traveller site and application site are currently more readily visible as a result of the unauthorised woodland clearance works. It has previously been determined that the introduction of mobile homes, touring caravans and other associated paraphernalia does not conserve or enhance the character of the area.

- 7.3.4 When considering the siting of the new 11 pitches and the dayroom the visual impact on the area is limited from Old House Lane due to the relatively extensive vegetated tree cover on the boundary. Whilst recognising that the tree cover would thin in winter months, the new caravans / static caravans and dayroom would be read against the existing site. However, it is accepted that views will be possible towards the application site when approaching the junction between Old House Lane and Langleybury Lane and also from public vantage points on Langleybury Lane.
- 7.3.5 In terms of the wider landscape impact from the extension of the traveller site, the majority of views would be at a localised level as discussed above. Any wider landscaping impact from the new pitches would be limited due to their height, scale and locational context.
- 7.3.6 The new internal access road to the new 11 pitches would largely be obscured from view given the existing boundary treatments and with new tree planting is not considered to harm the character of the area nor would it have any wider landscaping implications.
- 7.3.7 In summary the proposed extension of the site to provide 11 new pitches would further detract from the character of the area contrary to Policy CP12 of the Core Strategy.

#### 7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist. The checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.
- 7.4.4 A condition can be recommended requiring the submission of a soft landscaping scheme to ensure that the hedging located along the northern boundary of the extended site is planted and appropriately managed.

#### 7.5 Highways, Parking and Access

- 7.5.1 The 11 new pitches would be served by an internal access road which would branch off from the existing site and no new access point would be created from Old House Lane or Langleybury Lane. The existing access point from Old House Lane would remain unchanged, is in good condition and provides acceptable visibility. This arrangement was previously approved to under application 22/1537/FUL for the initial expansion to provide 4 pitches.
- 7.5.2 The Highway Officer was consulted on the 2022 application and raised no objection stating that the existing access is sufficient for two vehicles to pass each; vehicles can enter and exit in forward gear and whilst the increase in pitches would be considered an intensification of use of the access it would not be considered significant. The Highway Officer was verbally consulted on this latest application and although there is an increase in the number of pitches proposed, they raised no objection.

7.5.3 With regards to parking provision, there are no specific parking standards for traveller sites, however, the submitted layout of the extended site shows that adequate space would exist for on-site parking.

7.5.4 Highways England were consulted on the 2022 application and raised no objection to the proposed development subject to conditions in relation to water supply, drainage and refuse management which remain relevant to this application. A condition in respect of drainage and the disposal of water are attached to the recommendation. Consideration of the refuse and recycling arrangements are considered at paragraph 7.10 below.

## 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD advises that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 The application site and wider land within the ownership of the applicant is covered by a Tree Preservation Order (TPO 235). Following the grant of planning permission under application 22/1537/FUL works had commenced on site, the northern boundary of the expanded site has been pushed further back into the land north of the site but only by approximately 3m. This has been factored into this current submission.

7.6.3 The previous re-planting of the woodland has been agreed with the Council and has been undertaken on site, although further ongoing maintenance is required.

7.6.4 Consequently, whilst acknowledging that there has been additional encroachment into the wider site afforded protection from the TPO, a landscaping scheme was agreed via application 23/1315/FUL in connection with the 2022 planning permission. As such, a condition is attached requiring the submission of a new landscape scheme based on what we previously approved but with some slight amendments based on this current proposal.

7.6.5 Whilst it is recognised that there will be future concerns regarding incremental encroachment, the trees secured by the planning condition will be subject to a management plan and will become protected from the woodland order. Further an extant Injunction exists on the land which prevents the addition of further caravans and associated works without planning permission.

## 7.7 Impact on neighbouring amenity

7.7.1 Due to the relative isolated location of the application site it is not considered that a development would harm nearby neighbouring properties.

## 7.8 Mandatory Biodiversity Net Gain

7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.8.2 Given that this is a part-retrospective application the need for the development to achieve a biodiversity net gain is not required.

## 7.9 Sustainability

7.9.1 Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways

that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

7.9.2 Due to the nature of the development it is not realistic to expect sustainability features to be incorporated into the proposal.

#### 7.10 Refuse and Recycling

7.10.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.10.2 The submitted plans do not detail provision of bin storage areas; however, there is sufficient space in each of the pitches for bin storage areas to be provided which would not be visible from the street. Bins are currently brought to the existing access from Old House Lane on collection day in line with the existing arrangements for the Little Liz site. This is considered acceptable arrangements for refuse/recycling on collection days. As such, the proposed development would provide adequate provision for the storage and collection of refuse and re-cycling, in accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

#### 7.11 Other Material Considerations:

7.11.1 In addition to the above assessment, that there are other material considerations which should be considered:

##### *Failure of Policy & Alternative Sites*

7.11.2 Policy CP11 of the Core Strategy states that the identified need for traveller sites will be met by allocations in a Gypsy and Traveller Site Allocations DPD. The Council has failed to bring forward any allocations for gypsy sites. The Council's new local plan is yet to be adopted and is still at consultation stage and its planned adoption is now scheduled for September 2026. Thus, there is a failure of policy which is a further consideration which carries weight in favour of the development.

7.11.3 With regards to alternative sites, the existing pitches with planning permission in the district are private sites and there are substantial waiting lists for pitches on public sites within the Hertfordshire. During the application process Officers engaged with the Gypsy and Traveller Service at Hertfordshire County Council who confirmed that there is a “huge shortage of pitches versus number wanted” across the county and there is no availability on the existing sites. The lack of alternative sites and the fact that the alternatives sites within the District are likely to be in the Green Belt are further considerations in favour of the application.

##### *Engagement with Humans Rights Act*

7.11.4 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential

Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

- 7.11.5 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.
- 7.11.6 Case law has also established that the greater the interference with ECHR rights, the greater will be the need to justify that interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to consider the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

*Needs of the occupants and their personal circumstances*

- 7.11.7 In the assessment of the 2022 application Officers were satisfied that those who were to take up residency within the proposed 4 pitches were gypsy travellers. One of the residents is disabled and relies on the support of her extended family. Another resident had a one-year-old child and another was expecting their first child at the time. As a result, there were clear personal circumstances of some of the occupiers who would benefit from a settled residence and be surrounded by close family.
- 7.11.8 Following the changes to National Planning Policy Framework and the Planning Policy for Travellers and Showpeople in December 2024 it is no longer necessary to rely on the personal accommodation needs and personal circumstances of the prospective site residents; or the needs of the children.
- 7.11.9 Nevertheless, the proposed expansion would result in the provision of a settled base to allow future residents to register with a local GP, and access appropriate health services; it would allow the children to attend school regularly; and reduces the need for long range or frequent travelling. These factors weigh in favour of the application, especially when considering Article 8 of the Human Rights Act which protects the right of an individual to, amongst other things, a private and family life and home.
- 7.11.10 It is considered that these above material considerations weigh significantly in favour of the development.

7.12 Planning balance:

- 7.12.1 To conclude, the development is not inappropriate development in the Green Belt. It has been identified that the proposed development does have a limited and localised adverse impact on the rural character of the area. Notwithstanding this, it has been determined that the material considerations as detailed above in this report outweigh the harm and as such, the development is acceptable, subject to conditions.
- 7.12.2 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 of the NPPF (2024) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the



application are out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.12.3 As mentioned the LPA do not have a 5-year supply and the provision of 11 pitches provides some form of housing within the District. In this case 11d)ii) is relevant and it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits and is therefore considered acceptable.

#### 7.13 Conditions:

7.13.1 A number of conditions are considered reasonable and meet the tests set out at paragraph 56 of the NPPF (2024). A condition confirming that planning permission is restricted for residential use by Gypsies and Travellers (as defined in the PPTS) is required in order to safeguard the site for this purpose. Conditions limiting the number of caravans and controlling commercial activity is required in the interests of preserving the character of the area; details regarding foul drainage, submission of a detailed and comprehensive soft landscaping scheme, controls on placement of vehicles and storage across the site, commercial activity and external lighting to safeguard the character of the area. Such conditions were also similarly attached to the planning permission granted under 22/1573/FUL.

7.13.2 Regarding the dayroom, this is required to enhance the amenity of current and future occupants of the site; however, a condition is recommended to restrict the use of the dayroom for incidental purposes to the enjoyment of, and ancillary to, the pitches located on the site so that it is not used as an independent dwelling at any time.

## 8 **Recommendation**

8.1 That subject to no new material considerations being raised and following the expiration of the consultation period (25 April 2025), the decision be delegated to the Head of Regulatory Services to GRANT part-retrospective planning permission, subject to conditions:

C1 The application site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To protect the character and appearance of the area and the Metropolitan Green Belt in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: PBA1 REV-D; TRDC 001 (Location Plan); TRDC 002 (Proposed Front and Rear Elevations); TRDC 003 (Proposed Side Elevations) and TRDC 004 (Proposed Floor Plan).

Reason: For the avoidance of doubt, in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendix and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No further development or other operation shall commence on site until detailed foul water drainage plans has been submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

Reason: To ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C4 Within THREE MONTHS of the date of this planning permission, a detailed landscaping scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The landscaping scheme shall include: long term design objectives; details of hard surfaces; details of: how soft landscape areas will be prepared for planting; tree and shrub species to be used; any existing trees which are required to be re-positioned, proposed number of plants; their size at time of planting; and how they will be protected until fully established.

A landscape maintenance plan shall also be produced, which includes details of all maintenance schedules for all landscape areas, and maintenance that will be undertaken to ensure the planting successfully establishes.

The landscaping scheme and landscape maintenance plan shall be carried out as approved.

Reason: To ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The works to all hard surfacing areas shall be carried out in accordance with the details shown on drawing J004413-TD-06 prior to occupation of the development and maintained thereafter.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C6 No more than 22 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 11 shall be a static caravan) shall be stationed on the extended traveller site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site (as enclosed in red on drawing number TRDC 001 (Location Plan)).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C8 No commercial activities shall take place on the application site (as enclosed in red on drawing number TRDC 001 (Location Plan)) including external storage of any kind).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C9 No vehicles, structures or paraphernalia associated with the use hereby permitted including the use by those within the established traveller site, shall be erected/stored on land falling outside the positioning of the post and rail fencing as marked on drawing number PBA1 REV-D (Site Layout Plan).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C10 No external lighting shall be installed on or adjacent to the internal road or affixed to any buildings/structures on the application site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences and be retained thereafter.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 The day room hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the pitches located on the site and it shall not be used as an independent dwelling or for commercial use at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangement which mean that the biodiversity gain conditions does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out applies).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further

information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 16 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 17 The applicant is reminded that an Injunction (Ref: QB 2020 001181) dated 1<sup>st</sup> April 2020 remains on the Land and must be discharged to account for the development hereby permitted. The applicant will need to apply to the Court to vary or discharge the Order upon giving 24 hours' notice in writing to the Solicitor to the Council, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth Herts WD3 1RL, Tel 01923 727208 email: [enquiries@threerivers.gov.uk](mailto:enquiries@threerivers.gov.uk).