

PLANNING COMMITTEE – Thursday 16 July 2026

25/1831/RSP - Part Retrospective: Change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches (10 statics) including formation of hardstanding and landscaping at LITTLE LILY, TOMS LANE, KINGS LANGLEY, HERTS, WD4 8NJ

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 29.12.25.
Extension of Time: 30.06.2026

Ward: Gade Valley
Case Officer: Clara Loveland

Recommendation: That Part-Retrospective Planning permission be approved.

Reasons for consideration by the Committee: This application was called-in by Abbots Langley Parish Council and three planning committee members due to concerns regarding the intensification of use and the impact on neighbours.

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=T4IQ0QQFIJU00>

1 Relevant planning history

- 1.1 The site has an extensive planning history, set out below. However, the most relevant to this application is: 23/1618/FUL - Change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block. Personal planning permission approved 29.05.25.
- 1.2 25/1106/FUL - Removal of Condition 1 (Personal Permission), Condition 2 (Land Restored) and Variation of Condition 3 (Plans) and Condition 6 (Numbers of Caravans) pursuant to planning permission 23/1618/FUL to allow for an increase in number of static caravans to 10 and no provision of touring caravans. Application withdrawn.
- 1.3 17/2695/RSP - Retrospective: Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Personal planning permission approved 23.02.2018.
- 1.4 14/1661/FUL – Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Temporary and personal planning permission approved for 3 years (expires 21 November 2017).
- 1.5 13/1823/FUL – Permission for two additional caravans (no more than one of which to be a static caravan) with parking for two vehicles and associated hardstanding – Approved 22.11.2013.
- 1.6 12/1915/FUL - Variation of Condition 3 of planning permission 11/2317/FUL to allow substitution of plans to reflect a revised site layout (approved utility/day room to be sited further away from existing mobile home) – Approved 06.12.12.
- 1.7 11/2317/FUL - Revised site layout and the erection of a utility/day room in place of 2 no. utility/day rooms ancillary to an existing gypsy site with permission for 3 no. residential pitches - Approved 13.04.12 – Temporary permission expired 6 August 2014.
- 1.8 11/0040/FUL - Use of land to include the stationing of caravans for an additional double gypsy pitch containing 2 no. mobile homes with shared utility/day room building and hardstanding ancillary to that use, as well as retention and reorganising the existing single residential gypsy pitch - Approved 05.04.11 subject to the following conditions (amongst others):

C1 The use hereby permitted shall be for a limited period being the period of 5 years from the date of the appeal decision for application 08/1740/RSP (appeal reference APP/P1940/A/09/2097096). On or prior to 6 August 2014 the use hereby permitted shall cease, all structures, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority

REASON: To allow the Local Planning Authority an opportunity to assess the effect of the use or development hereby permitted on the openness of the Metropolitan Green Belt and the amenities of surrounding the area, and to allow the Local Planning Authority an opportunity to assess the level of Gypsy and Traveller site provision in accordance with Policies GEN1, GB1, H1, H3 and Appendix 1 of the Three Rivers Local Plan 1996 – 2013

C3 The site shall not be occupied by any persons other than [6 names Redacted from 23/1618/FUL report).

REASON: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case; the nature of the planning permission (temporary/personal) allows the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the Green Belt in accordance with the requirements of Policies GEN1, GB1, H5 and Appendix 1 of the Three Rivers Local Plan 1996-2011 and Government Circular 01/2006.

- 1.9 08/1740/RSP – Part retrospective: Change of use of land to stationing of mobile homes for one gypsy pitch, erection of a detached outbuilding (utility/day room) and hardstanding for use for residential purposes – Refused 23.01.09 for the following reason

R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.

The application was granted at appeal in August 2009 for a temporary period of five years. The Inspector concluded that the urgent need to provide gypsy and traveller sites within the district of Three Rivers and the lack of alternative sites outweighed the harm caused by reason of inappropriate development in the Green Belt. The permission was not made personal to the applicant.

- 1.10 07/1694/OUT - Outline Application: Use of mobile home on vacant site – Refused 20.12.07 for the following reason

R1 It has not been sufficiently demonstrated that very special circumstances exist to overcome the presumption against inappropriate development in the Metropolitan Green Belt, contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.

- 1.11 05/1876/OUT - Outline application: Erection of a detached dwelling (means of access details only) - Refused 10.02.06 for the following reason

R1 The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2

- 1.12 99/01573/FUL – Erection of 2 detached houses – Refused 19.08.99 for the following reasons

R1 The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Approved Hertfordshire Structure Plan Review 1991-2011, the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan 1996-2011 (Deposit Draft) not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to

the rural area. No such need has been proved. Accordingly the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft)

R2 The proposal, if allowed, would set an undesirable precedent for further development of a similar nature which, cumulatively would be detrimental to the character of the locality and would undermine the established planning policies for this area. Accordingly, the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).

R3 The proposal would lead to an increase in the use of the existing private drive access which currently has sub-standard access onto Toms Lane in terms of visibility splays. To allow the proposal in its current form would be prejudicial to the free flow of traffic and the general safety on the neighbouring highway.

R4 The proposed private drive access would have sub-standard access in terms of visibility where it meets the existing private drive. To allow the proposal in its current form would be prejudicial to the free flow of traffic and general safety.

R5 The proposed development would increase the number of dwellings being served by the existing private drive beyond the maximum recommended within 'Roads in Hertfordshire'. The existing access is of insufficient width and design to serve the proposed development and existing uses. As a result, the additional traffic generated would be detrimental to the existing users of the private drive as well as potential users of the proposed dwelling.

- 1.13 8/587/90 - (Outline) Detached bungalow and double garage – Refused 15.10.90 for the following reasons

R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved

R2 The proposed bungalow would constitute an undesirable intensification of building development detracting from the rural character of this locality within the Metropolitan Green Belt

An Enforcement Notice was served in September 1983 against the unauthorised material change in the use of the land from agriculture to a use for the purposes of stationing caravans for human habitation (ref 8/956/85). An appeal against the enforcement notice was allowed, however permission for the caravan was only given for 3 years and the permission was made personal to the appellant

2 Site description

- 2.1 The application site is a rectangular parcel of land containing traveller pitches, situated to the rear of Nos. 61-65 Toms Lane in Kings Langley, within the Metropolitan Green Belt. Nos. 61-65 Toms Lane is a row of residential properties on the north side of Toms Lane.
- 2.2 The application site is served by a track leading off Toms Lane. The track is a cul-de-sac and serves several residential dwellings in addition to the existing traveller site at Little Lily (which is located at the rear of No. 59 Toms Lane), including Kings View Farm on the opposite side of the track and Bel Air and Oak Lodge to the north.
- 2.3 A separate access into the site also currently exists from Toms Lane via a driveway fronting No.63 Toms Lane (also under the applicant's ownership). The site is enclosed by timber fencing.
- 2.4 There is no physical separation between the existing traveller site (to the rear of No.59) and the application site (to the rear of Nos. 61-65).

3 Description of proposed development

- 3.1.1 This application seeks part retrospective planning permission for the change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches (comprising 10 statics), including formation of hardstanding and landscaping.
- 3.1.2 This application follows a previously withdrawn application (LPA ref: 25/1106/FUL) which sought to remove planning conditions pursuant to planning permission 23/1618/FUL.
- 3.1.3 It is important to note that the previously approved planning application, 23/1618/FUL, permitted the use of the application site for the stationing of 5 gypsy pitches, associated landscaping and an amenity building.
- 3.1.4 The key differences between 23/1618/FUL and the development applied for (25/1831/RSP) is that whilst the number of gypsy pitches would remain the same, each pitch is to include 2 static caravans. The previously approved planning application 23/1618/FUL approved 1 static and 1 touring caravan per pitch.
- 3.1.5 The changes from 23/1618/FUL are as follows:
- Retention of previously approved 5 gypsy pitches.
 - An increase in the number of static caravans from 5 to 10 as proposed (2 per pitch).
 - Omission of touring caravans.
 - Omission of amenity building from the site (previously permitted adjacent to the pre-existing traveller site).
- 3.1.6 The submitted Planning Statement (dated 21 October 2025), sets out that one of the static caravans per pitch would be used to accommodate amenities, in lieu of a communal amenity building.

4 Consultee

4.1 Summary of Consultation Responses:

4.1.1 Abbots Langley Parish Council – Objection and call in request.

“While Members note that TRDC are undergoing a review of Travellers Sites, Members feel that the scale and volume of sites at Toms Lane is inappropriate, particularly since this is in a green belt area. If Officers are of a mind to approve this application, Members request that this be brought in front of the Planning Committee”.

4.1.2 Affinity Water – No response received.

4.1.3 Environmental Health Officer – No objection.

“Having reviewed the planning statement and block plan, the Environmental Health Department has no concerns regarding the proposal”.

4.1.4 Fire Protection Department – No objection.

“In brief the walls of adjacent caravans should be 6m apart, this is to prevent the radiated heat from one unit on fire causing the other unit to combust. Reading your email below 5 pitches for 10 vans requires 2 vans per pitch. This would require the pitch to be able to locate 2 vans with a gap of 6m between them”.

“HFRS were asked to comment on the access route for a fire appliance, as such I attended the site today and found the access route to be suitable for an appliance.”

4.1.5 National Grid – No response received.

- 4.1.6 Hertfordshire County Council: Highway Authority – Initial comments 18 November 2025, additional information requested.

Recommendation Request for additional information

Comments

The development site is located on a private access road approximately 3-4m in width accessed from public highway via Toms Lane. Toms Lane is an unnumbered classified 'C' local access road subject to a 30mph speed limit and is considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network Toms Lane is categorised as P2/M1 (e.g. Residential Street). Toms Lane is considered a traffic sensitive road between peak hours 07:00 - 09:30 and 16:00 - 18:30, Monday to Friday. One 'slight' highway collision has been recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.

The Highway Authority would request additional information in the form of swept path analysis of the largest vehicle the applicant believes would need to gain access to the site in order to determine whether access is possible for large vehicles including potentially a waste collection vehicle, fire tender or any kind of large private vehicle. The swept path analysis should show the chosen vehicle(s) being able to enter the site and manoeuvre in order to leave the site in forward gear.

Depending on the above the Highway Authority would also request an indication of a waste collection point (or information proposing the waste collection arrangement for this site) in order to determine whether access for a waste collection vehicle is needed.

The Highway Authority does not, at this time, have any concerns with the other aspects of the proposal.

- 4.1.6.1 Revised response 10 June 2026, following additional details: No objection.

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) 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

AN2) 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.

AN3) 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

Comments

Context: The development site is located on a private access road approximately 3-4m in width accessed from public highway via Toms Lane. Toms Lane is an unnumbered classified 'C' local access road subject to a 30mph speed limit and is considered highway maintainable at public expense. On Hertfordshire County Council's Place and Movement network Toms Lane is categorised as P2/M1 (e.g. Residential Street). Toms Lane is considered a traffic sensitive road between peak hours 07:00 - 09:30 and 16:00 - 18:30, Monday to Friday. One 'slight' highway collision has been recorded within the immediate vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRoW map) directly affects the site or would be affected by the proposal.

Access: The site derives its access from a long thin access road, between 2.5m and 3m wide and 200m long. The site can be reached by travelling 60m into this road at which point a setback gate and boundary wall signals entrance to Little Lily. This access road is not considered highway maintainable at public expense.

The Highway Authority recognises that the application will result in an intensification of the existing access into Little Lily. This access does not appear to be able to achieve acceptable levels of visibility at the access to ensure stopping sight distances, as outlined by Manual for Streets. However, the HA identifies that Manual for Streets allows an 'absence of wide visibility splays' in certain areas as it encourages drivers to emerge more cautiously. MfS states consideration should be given to whether this will be appropriate, taking into account the frequency of vehicle movements and the amount of pedestrian activity (Manual for Streets, 7.8 Forward visibility, p. 94). Considering the access road is not a through route for traffic as well as the fact that we have not identified any recorded collisions in the area and the width of the access likely slows down vehicles, the Highway Authority believes that this arrangement will be acceptable for the proposed development. We do, of course, reserve the right to make a different judgement should the site or surrounding lane be developed for the same or similar purposes.

Trip generation: The addition of 5 gypsy pitches at this location will not result in a significant increase in the number of trips to and from the site. No impact on the highway network has been identified.

Parking: The development application form states that 5 parking spaces will be provided; the submitted block plan (see 'Site Layout Plan') shows 6. The LPA will for themselves need to be satisfied with the level of parking proposed and how this relates to the local area and local parking standards. The spaces in the site have been given dimensions in line with Manual for Streets - widths, approximately 2.4m and lengths well over 5m. This is acceptable in line with this national document. The Highway Authority's own design guide (Place and Movement Planning and Design Guide) recommends a slightly larger width of 2.5m. However we accept that these spaces are off the public highway.

Accessibility: Kings Langley is a large village with a train station, various bus services and a number of useful public amenities, including a doctors surgery, church, community centre and a number of public houses/restaurants. Toms Lane has segregated footways lining the road, allowing a pedestrian link into the centre of Kings Langley to the west. The nearest bus stop, High View Park, is an approximate 330m walk from the site. This provides the H19 service only once per week on Thursdays. Other bus stops within walking distance provide more regular services, such as Kingfisher Lure. Kings Langley train station is not within walking distance but the proximity of a

number of bus stops allows transport links to the station and to Hemel Hempstead for any services not provided within Kings Langley.

Surface water flood risk to the highway: Provision should be made for surface water to be collected and disposed of to prevent it from flowing or being discharged onto land considered highway maintainable at public expense. Considering the length between the site and the nearest public highway, the risk of surface water collecting on the highway has not been identified as increasing as a result of this development.

Emergency vehicle access: The Highway Authority requested additional information in its initial response of December 2025 relating to fire tender access. Specifically how a large vehicle could access the site through the internal layout, turn around within this site and leave in forward gear. The applicant has subsequently provided tracked plans demonstrating access. The fire tender does however appear to be unable to utilise the existing access road off Toms Lane - the tracking of wheels and the body of the fire tender seem to extend beyond the width of the access. With this in mind, the Highway Authority has referred this matter to Hertfordshire Fire & Rescue so that they can provide their comments and potential alternative arrangements.

Access for waste collection vehicles: Similar to access for emergency vehicles, the Highway Authority does not believe waste collection vehicles would be able to access the site. We would therefore recommend that Three Rivers refer this matter to their own waste collection department in order to find a suitable arrangement with the applicant relating to waste collection. Refuse vehicles must be able to stop within a maximum carry distance of 25m from a bin collection point (Manual for Streets, 6.8.9). Residents should not be required to carry waste more than 30m to a storage point (Manual for Streets, 6.8.9)

Conclusion

HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above highway informative / advisory notes.

4.1.7 Local Plans Section – Advisory comments.

“The application proposes the change of use of land to create 5 no. gypsy and traveller pitches (10 statics) including associated hardstanding and access. The site is located wholly within the Metropolitan Green Belt. Planning permission was granted in May 2024, under application 23/1618/FUL for change of use of the application site to use as a residential caravan site comprising of 5 Gypsy/Traveller pitches. Condition 6 attached to planning permission 23/1618/FUL limits the number of caravans to 10, of which no more than 5 can be a static caravan.

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:

- a) Avoid areas at risk from flooding*
- b) Avoid causing an adverse impact on areas of recognised wildlife, heritage or landscape importance, and on the openness of the Green Belt*
- c) Be in or near existing settlements with access by foot and/ or public transport to local services, including shops, schools and healthcare*
- d) Be well located to the highway network, with safe and convenient vehicular and pedestrian access to the site*
- e) Provide adequate on-site facilities for parking, storage, play and residential amenity*
- f) Provide adequate levels of privacy and residential amenities for occupiers and not be detrimental to the amenities of adjacent occupiers*
- g) 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 sets out “within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance”.

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 Council’s Gypsy and Traveller Accommodation Assessment (July 2025) identified a total need of 41 pitches for gypsy and traveller households from 2025-2041, including a need of 37 pitches arising from those households who meet the planning definition and a need of 4 pitches arising from households with undetermined. As such, it is clear that there is a demonstrable need for gypsy/traveller pitches within the district. Further clarification may need to be provided as to whether the 5 additional static caravans result in a net gain of pitches compared to the existing number of pitches at the site.

The Planning Policy team will provide further comments if any changes to the application are made or further information is provided.”

4.1.8 Thames Water – No response received.

5 Neighbour consultation

5.1 Site notice: Posted: 02.12.25. Expired: 23.12.25.

5.2 Press notice: Not required.

5.3 No. consulted: 19.

5.4 No. of responses: 1 (objection).

5.5 Summary of response:

- The entrance to 63 and the rear have been altered to ease access for the installation of static caravans which are already inhabited and the number of vehicles going in and out.
- “Existing hedges” on the proposed site plan do not exist.

- Oppose all development of this site.

6 Reason for Delay

6.1 Additional information required.

7 Legislation and Relevant Local and National Planning Policies

7.1 Legislation

7.1.1 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).

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

7.1.3 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.

7.1.4 The Environment Act 2021.

7.2 National Planning Policy Framework and National Planning Practice Guidance

7.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 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”.

7.2.2 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).

7.2.3 National Planning Practice Guidance.

7.2.4 Planning Policy for Travellers Sites (PPTS) (December 2024) produced by MHCLG.

7.3 Three Rivers Local Development Plan

7.3.1 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.

7.3.2 The Development Management Policies Local Development Document (LDD) 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, DM12, DM13 and Appendix 5.

7.3.3 Abbots Langley Neighbourhood Plan (Referendum Version) (March 2026). Relevant policies include: AL1, AL3, AL4 and AL19.

7.4 Other

7.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7.4.2 Three Rivers Gypsy and Traveller Accommodation Assessment (July 2025).

7.4.3 Three Rivers Gypsy and Traveller Accommodation Assessment (July 2025).

7.4.4 Human Rights Act 1998.

7.4.5 Equalities Act 2010.

7.4.6 Housing Act 2004

7.4.7 Children Act 2004.

8 Analysis

8.1 Overview

8.1.1 The planning history forms a material consideration in the assessment of this application. In this case, planning application 23/1618/FUL permitted the use of the application site for the stationing of 5 gypsy pitches, associated landscaping and an amenity building. The key differences between 23/1618/FUL and that proposed in this scheme (25/1831/RSP) is that each pitch would now contain 2 static caravans, rather than 1 static caravan and 1 touring caravan and the removal of the amenity building. The number of pitches remains unaltered.

8.1.2 In terms of planning policies, the NPPF has been updated since the previous grant of planning permission with the introduction of 'Grey Belt' within the Green Belt section. Planning Policy for Traveller Sites has also been updated which revised the definition of "gypsies and Travellers". Added to this, the Three Rivers Gypsy and Travelled Accommodation Assessment has been updated which has increased the requirement for gypsy pitches across the plan period. Also, the Abbots Langley Neighbourhood Plan (March 2026) has recently been introduced.

8.1.3 In summary, the previous planning permission (23/1618/FUL) has established that the use of the land for the stationing of caravans is, in principle, acceptable, and this forms the basis of this assessment. It is also worthy to note that 23/1618/FUL was granted immediately adjacent to an existing well-established traveller site.

8.2 Policy Context

8.2.1 Planning Policy for Traveller Sites was updated in December 2024 and is a material consideration in planning decisions. It should be considered in conjunction with the NPPF and sets out that the overarching aim of the Government is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, Planning Policy for Traveller Sites sets out a number of aims in respect of traveller sites:

- That local planning authorities should make their own assessment of need for the purposes of planning
- To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- To encourage local planning authorities to plan for sites over a reasonable timescale
- That plan-making and decision taking should protect Green Belt from inappropriate development
- To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- To increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply
- To reduce tensions between settled and traveller communities in plan-making and planning decisions
- To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- For local planning authorities to have due regard to the protection of local amenity and local environment.

- 8.2.2 Core Strategy Policy CP5 states that in considering planning applications for sites for Gypsies or Travellers, a criteria-based approach will be used. Criteria include avoiding an adverse impact on the openness of the Green Belt, being within or near to existing settlements with access to local services and the circumstances of the applicant and their need for pitches on the application site.
- 8.2.3 The application site is located within the Metropolitan Green Belt. Planning Policy for Traveller Sites paragraph 16 highlights that traveller sites (temporary or permanent) within the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the NPPF apply. Inappropriate development is harmful to the Green Belt and should not be approved except for very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- 8.2.4 The NPPF and Core Strategy Policy 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.
- 8.2.5 TRDC Local Plans have confirmed that the most recent Three Rivers Gypsy and Traveller Accommodation Assessment (July 2025) concluded that there is a need for 37 pitches arising from those householders who meet the planning definition and a further need for 4 pitches arising from householders with undetermined need who will be met through criteria-based policies.
- 8.2.6 Furthermore, the application site was included within the emerging Local Plan Part II – Site Allocations document (January 2026), which identifies locations the council considers suitable as traveller sites (GT2 – Little Lily (Land rear of 59 Toms Lane), Kings Langley) with an indicative capacity of 9 pitches (includes the adjacent established traveller site).
- 8.3 Impact on Green Belt
- 8.3.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 8.3.2 The NPPF identifies the five purposes of including land in Green Belts as
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 8.3.3 In respect of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 8.3.4 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless an exception applies. Paragraph 155 of the NPPF also sets out additional forms of development that should also not be regarded as inappropriate. Having reviewed paragraph 154, it is concluded that the proposal would not fall within the scope of the exceptions listed.

- 8.3.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 8.3.6 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and advises that within the Green Belt, except in very special circumstances approval will not be given for new buildings other than those specified in national policy and other relevant guidance. As set out above, paragraph 16 of Planning Policy for Traveller Sites confirms that traveller sites are inappropriate development within the Green Belt.
- 8.3.7 As highlighted above, since the previous planning permission the revised NPPF was published in December 2024. In the chapter on Protecting Green Belt land within the revised NPPF, the term grey belt is introduced. Fundamentally however, the NPPF remains unchanged that development is inappropriate within the Green Belt unless it would meet one of the exceptions listed within paragraph 154 or where it would meet the requirements set out in paragraph 155.
- 8.3.8 Paragraph 155 of the NPPF states that the development of homes, commercial and **other development** in the Green Belt should also not be regarded as inappropriate where all of the following (a – 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 other associated development which are intrinsically linked to the use of the 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;
 - 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 meets the 'Golden Rules' requirements set out in the paragraphs 110 and 115 of this Framework'.
- 8.3.9 'Grey belt' excludes land where the application of the policies relating to the areas of assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. For the purposes of plan-making and decision-making, Annexe 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. These are taken in turn below:
- a) to check the unrestricted sprawl of large built-up areas;*
- 8.3.10 In this case, the development would be located within the immediate vicinity of established residential development along Toms Lane. Additionally, the site is not located within a large built up area. As such, the development would serve to provide a weak contribution to purpose a) and therefore meets this aspect.
- b) to prevent neighbouring towns merging into one another;*
- 8.3.11 The application site and proposal represent relatively small-scale development with an established residential area along Toms Lane. As such, the proposal would not contribute to the merging of neighbouring towns. As such, the development would not make a contribution to purposes b) and therefore meets this aspect.
- d) to preserve the setting and special character of historic towns;*
- 8.3.12 The development is not within a historic town so would not make a contribution to purpose d), therefore meeting this aspect.

Summary of purposes and whether taken together the development would fundamentally undermine the purposes (taken together)

8.3.13 Overall, it is considered that the application site does not strongly contribute to any of purposes (a), (b) or (d). With regards to (c) to assist in safeguarding the countryside from encroachment; the site is already a traveller site and the removal of the day room and replacement of touring caravans with static caravans is not considered to have a material impact on openness when compared with what has been granted planning permission. The development would also not result in conflict with purposes d) or e). As a result, the development would not fundamentally undermine the purposes of the remaining Green Belt when taken together. As such, it is considered that the application site constitutes 'grey belt' land and would satisfy the first criterion of paragraph 155.

8.3.14 Nevertheless, in order to not be inappropriate development, the development must meet the following criteria.

b) There is a demonstrable unmet need for the type of development proposed

8.3.15 Footnote 56 of the NPPF (2024) states with regard to b) that in the case of traveller sites means the lack of a five-year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.

8.3.16 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 purposes 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.'

8.3.17 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 site against their locally set targets and identify locations for growth, for years 6 to 10, and where possible, for years 11 to 15.

8.3.18 As part of this application the Local Plans team confirmed that the Council's Gypsy and Traveller Accommodation Assessment (July 2025) identified a total need of 41 pitches for gypsy and traveller households from 2025-2041, including a need of 37 pitches arising from those households who meet the planning definition and a need of 4 pitches arising from households with undetermined.

8.3.19 As such, it is clear that there is a demonstrable need for the type of development proposed (gypsy/traveller pitches) within the district.

c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.

8.3.20 Footnote 57 of the NPPF also sets out that in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites Paragraph 13. Paragraph 13 of the PPTS sets out the following:

Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community;

b) promote, in collaboration with commissioners of health services, access to appropriate health services;

c) ensure that children can attend school on a regular basis;

- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;*
- f) avoid placing undue pressure on local infrastructure and services;*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

8.3.21 The application site is sited within a Secondary Centre as defined by Policy PSP3 of the Core Strategy. Policy PSP3 of the Core Strategy states that development in Secondary Centres should provide 24% of the District's housing requirements.

8.3.22 It is important to consider that the application site has previously been considered acceptable in terms of sustainability with the site located conveniently in terms of access to local services, including shops, schools and healthcare facilities. With specific regard to Paragraph 13 of the PPTS, given the above, it is considered that the application site is in a sustainable location for Gypsy and Traveller pitches and would be acceptable in the context of 155(c).

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

8.3.23 Policy E of the 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 115(d).

Summary

8.3.24 In conclusion, it is considered that the proposed development would satisfy the requirements of paragraph 155 and therefore is considered to be appropriate development within the Green Belt and as a result would not harm openness of the Green Belt.

8.3.25 The proposal would therefore be in accordance with Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the National Planning Policy Framework.

8.4 Impact on the character and appearance of the streetscene and landscape

8.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

8.4.2 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 result in unacceptable harm to the character of the landscape in terms of siting, scale, design or external appearance will be refused.

8.4.3 Policy AL3 of the Abbots Langley Neighbourhood Plan (March 2026) states that all new development should reflect the character of the Character Area in which they are located. Policy AL4 further states that development proposals should demonstrate a high quality of design, which responds and integrates well with its surroundings, and meets the changing needs of the population of the neighbourhood area.

8.4.4 As highlighted above, the previous planning permission (23/1618/FUL) has established that the use of the land for the stationing of caravans is principally acceptable on character grounds when considering the application site, along with the street scene and locality.

8.4.5 The previous Officer comments (23/1618/FUL) remain relevant for this application:

“The application site would extend the existing traveller site at Little Lily, to the rear of the residential properties fronting Toms Lane. As such, the site is largely obscured from the streetscene of Toms Lane by the existing built form. Furthermore, the site is located adjacent to a commercial fencing company, as such, there is existing variation within the wider area. Therefore, given the existing variation, the scale of the proposed development and that the development is well screened from public vantage points, it is not considered that the proposed development would appear unduly prominent within the streetscene of Toms Lane, nor result in harm to the character or appearance of the streetscene or wider area.”

8.4.6 It is recognised that this application proposes 10 static caravans, with no touring caravans or amenity building. Despite increasing the number of static caravans, given the containment of the site from public vantage points, it is considered that the development would not result in a prominent form of development or any further harm to the site, street or locality than the previously approved. Whilst views of the development are possible from neighbouring vantage points, the views of the development would be similar to what has previously been approved to the extent that the changes would not result in any more visual harmful form of development. Added to this, the introduction of the Abbots Langley Neighbourhood Plan does not result in the material departure of the conclusions drawn within the previous application.

8.4.7 In summary it is considered that the proposed development would not result in an adverse impact on the character or appearance of the area, street scene or wider landscape and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM7 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policies AL3 and AL4 of the Abbots Langley Neighbourhood Plan (adopted March 2026).

8.5 Impact on amenity of neighbours

8.5.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’.

8.5.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

8.5.3 As highlighted above, the previous planning permission (23/1618/FUL) has established that the use of the land for the stationing of caravans is principally acceptable in neighbouring amenity.

8.5.4 In this case, the proposal would maintain 5 pitches as previously approved. However, this would be made up of 2 static caravans rather than 1 static and 1 touring caravan. When considering that the number of pitches would remain the same as the previously approved, it is considered that there would be no significant addition of noise or disturbance. Notwithstanding this, to secure that the additional static caravans would not be used independently, a condition could secure the use of each pitch with 1 static caravan for amenity purposes and the other as primary habitable living occupation. This would help to mitigate any impacts of the development that could arise from any additional occupation over and above the previous permission.

8.5.5 Turning to the positioning and location of the caravans, these would be set some 26m from the rear elevations of the neighbouring properties fronting Toms Lane and separated by the rear gardens of these sites. Given the scale of the proposed development (comprising single storey structures) and the distance maintained between the proposed pitches and neighbouring properties along Toms Lane, it is not considered that the development would appear overbearing or result in loss of light to numbers 61-65 Toms Lane.

8.5.6 The proposed pitches would also be set in from the shared boundary with the neighbour to the north, Oak Lodge by some 5m. This neighbour is also set further forward of the proposed pitches. Given

the single storey nature of the proposed static caravans, it is not considered that the proposed development would appear overbearing or result in loss of light to the neighbour to the north.

8.5.7 Turning to privacy, it is not considered that the proposal would result in unacceptable overlooking due to the single storey nature of the development and existing boundary treatments along the boundaries.

8.5.8 In summary, subject to conditions(s) the development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in accordance 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).

8.6 Highways & Parking

8.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.

8.6.2 In terms of parking, there are no specific parking standards for traveller sites; however, the submitted layout of the site shows that each pitch would have two parking spaces. This is considered to be sufficient and the proposal is considered to be acceptable in this regard.

8.6.3 Hertfordshire Highways and Herts Fire and Rescue have been consulted on the proposed development with regards to access arrangements. The site would utilise the existing access through the existing Gypsy/Traveller Site at Little Lily. The application is accompanied by a Swept Path Analysis Drawing which demonstrates that larger vehicles can access the site. Hertfordshire Highways and Herts Fire and Rescue have confirmed that the submitted details are acceptable, and the proposal would not result in any harm in this regard.

8.7 Rear Garden Amenity Space

8.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

8.7.2 Appendix 2 does not set out specific requirements for amenity space for traveller sites. However, it is noted that a small amount of amenity space would be proposed, not too dissimilar to what has previously been approved. As such, the proposal is considered to be acceptable in this regard.

8.8 Trees & Landscape

8.8.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.

8.8.2 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.8.3 The proposed development would not require the removal of any trees nor is considered to result in any harm to others. Added to this, in compliance with Policy DM6, the proposal seeks to introduce additional boundary planting, which is encouraged and is to be secured by condition.

8.9 Refuse and Recycling

8.10 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.

8.11 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 sight lines

8.12 Collections will be made as per the existing traveller site. As such, the proposed development has demonstrated that there would be adequate provision for the storage and collection of refuse and recycling, 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).

8.13 Biodiversity

8.13.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.13.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

8.14 Biodiversity Net Gain

8.14.1 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.

8.14.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to the de minimis exemption.

8.15 Drainage and Waste Water

8.15.1 The application site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to an Affinity Water Pumping Station (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

8.15.2 During the previous application 23/1618/FUL, Affinity Water were consulted and confirmed that they had no objection to the proposed development, subject to a condition to require the submission and approval of a Final Waste Water Scheme and confirmation from Thames demonstrating connection to the existing sewer network. A Final Waste Water Scheme was agreed via an Approval of Details Application 24/1943/DIS and as officers understand has been implemented.

8.16 Other considerations:

8.17 It is important to note that planning permission for 5 pitches has already been granted at the application site, and the quantum of pitches does not increase as a result of this application. Within the 2023 planning application other relevant material considerations were considered, such as the general need for and supply of traveller sites in Three Rivers, the lack of alternative sites and personal circumstances.

8.18 In the 2023 planning application, a personal condition was applied specific to named individuals. However, this was on the basis that the development at the time was inappropriate development in the Green Belt and other material planning considerations were considered to form very special circumstances, including the level of need and personal circumstances. As the development now complies with Paragraph 155 of the NPPF and therefore is not inappropriate development, the personal condition is no longer applicable and has been replaced with a condition specific to persons meeting the definition set out within the PPTS.

8.19 **Recommendation**

8.19.1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to the following 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: Having regard to the needs assessment and to protect the character and appearance of the area in accordance with Policies CP5 and CP12 of the Core Strategy (adopted October 2011).

C2 No more than 10 static caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, shall be stationed on the site at any time (of which no more than 5 caravans shall be used for primary living accommodation and no more than 5 caravans to be used to accommodate ancillary amenity facilities).

Reason: To protect the character and appearance of the area and to safeguard neighbouring amenity in accordance with Policy CP1, CP12 of the Core Strategy (adopted October 2011).

C3 The proposed hedging as shown on the Site Layout Plan hereby permitted shall be carried out before the end of the first planting season immediately following the date of this decision (i.e. November to March inclusive).

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required 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).

C4 No commercial or industrial activities shall take place on the land, including external storage of any kind such as vehicles, equipment and materials, and no vehicles above 3.5 tonnes in weight shall be parked on site.

Reason: To protect the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011).

C5 When the application site ceases to be occupied for residential purposes, the use hereby permitted shall cease and all caravans and structures, materials and equipment brought on to

the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011).

8.2 Informatives

11 **Standard Advice:** 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 which includes 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 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.

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). 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:

Making a Non-Material Amendment

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:

- 12 **Control of Pollution:** The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 **Approval:** 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.
- 14 **BNG:** 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 arrangements which mean that the biodiversity gain condition does not 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.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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>.

- I4 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
- I5 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.
- I6 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.