



Appeal Decision

Site visit made on 7 January 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/N1920/W/24/3339431

361 Watling Street, Radlett, Hertfordshire WD7 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Prestige Car Sales Ltd against the decision of Hertsmere Borough Council.
- The application reference is 23/1623/FUL.
- The development proposed is the change of use of a car park to a car showroom.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version. The provisions most relevant to this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework; I am satisfied that no party’s interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.
3. The development for which planning permission is sought has been carried out, and I was able to see the site in use for car sales at the time of my visit.

Main Issues

4. The main issues are:
 - Whether the proposal complies with national and local planning policy in respect of flood risk;
 - The effect of the development on the safe and efficient servicing of premises adjacent to the site, and on the surrounding highway network; and
 - Whether the loss of the car park and service area would have an unacceptable adverse impact on the viability of surrounding district centre uses.

Reasons

Flood risk

5. The appeal site is an area of land at the rear of the mixed commercial and residential block at Nos 333 to 401 Watling Street (“the Watling Street block”), within Radlett district centre. The appeal site is part of a larger area of land (shown within the “blue line” boundary on the application plans, and which I refer to as “the

wider site”) used for servicing that block, including for car parking and deliveries. As I have noted above the appeal site is already being used for car sales, and it is this use for which permission is now sought.

6. The site sits alongside the Tykes Water watercourse, and is shown on the Environment Agency flood map for planning as being within Flood Zone 3 – an area with a high risk of flooding. Policy SP1 of the 2013 Hertsmere Core Strategy (“the HCS”) and Policy SADM14 of the 2016 Site Allocations and Development Management Policies Plan (“the SADMPP”) seek to ensure that development in the floodplain is avoided, that the location of development is guided by the application of the sequential and exception tests set out in the Framework, and that development proposals in flood risk areas are accompanied by a site-specific flood risk assessment (an “FRA”).
7. Paragraph 170 of the Framework states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”, which the Planning Practice Guidance (“the PPG”) clarifies principally means land within Flood Zones 2 and 3¹. The use of the site for car sales would be within the same “less vulnerable” flood risk classification (set out in Annex 3 of the Framework) as its lawful car park use, so the proposal falls within the scope of Paragraph 176 which states that applications for some minor development and changes of use should not be subject to the sequential or exception tests. However, Paragraph 181 is clear that a site-specific FRA should be provided for all development in Flood Zones 2 and 3.
8. No FRA has been submitted, either with the planning application or during the appeal. The appellant commented during the appeal that the business has insurance for motor trade risks but, even accepting this to be the case (though no documentary evidence was provided in any event) it would not address the planning concerns in respect of flood risk, mitigation or management. In the absence of a site-specific FRA, I cannot be satisfied that the development does not increase flood risk elsewhere, that it is appropriately flood resistant and resilient, or that any residual risk can be safely managed.
9. I therefore conclude that the development does not comply with national or local policy in respect of flood risk. There is conflict with Policy SP1 of the HCS and Policy SADM14 of the SADMPP, and with the requirements of the Framework in respect of flood risk, the relevant provisions of which are set out above.

Servicing and highways

10. The Watling Street block has a variety of commercial premises, including a supermarket, on the ground and lower ground floors (numbered 333 to 367), and residential and commercial uses above (numbered 369 to 401). As I have already noted, the appeal site is within the wider site used for servicing that block.
11. There is a narrow service lane between the rear of the Watling Street block and a linear block of garages immediately alongside the appeal site. Presumably in the past, any larger vehicle having entered the service lane to make deliveries to the commercial properties would have been able to leave by driving round the garages in a loop. Now, however, the northern end of the area being used for car sales has been separated from the retained service lane by a steel mesh fencing system,

¹ Paragraph 001 Reference ID: 7-001-20220825

making the lane a cul-de-sac. This was identified in the planning application drawings as a delivery route, though based on my observations during my site visit (when the already-limited turning head was almost full of parked cars) it seems unlikely that a lorry would be able to be turned within the retained service area.

12. While the appellant stated during the appeal that detailed information would be provided on the servicing plan for the car showroom, specifically addressing its impact on areas used for supermarket deliveries and the operation of Watling Street, none is before me. In the absence of this, I cannot be satisfied that the car sales use can operate without causing unacceptable harm to the safe and efficient servicing of premises adjacent to the site, or to the surrounding highway network.
13. The development therefore conflicts with Policies SP1 and SP2 of the HCS, and Policy SADM40 of the SADMPP. Together, and among other things, these policies seek to ensure that development creates a safe, accessible and healthy environment for all, does not harm the safety of any users of the highway network, cause or add significantly to road congestion or unduly harm the flow of vehicles, and provides for safe and convenient movement, parking and servicing.

District centre

14. The Council acknowledges that, by introducing a new business, the use of the appeal site for car sales could potentially make some positive contribution to the vitality and viability of Radlett District Centre. However, this potential benefit would need to be balanced against impact on the town centre of the loss of the land previously used for car parking and servicing. In part this is related to questions of servicing and highway safety addressed as part of the previous main issue. There is also the matter of whether there would be sufficient capacity elsewhere in the district centre to accommodate parking and servicing displaced by the development.
15. The appeal site is private land, and therefore only served the businesses and residences within the Watling Street block rather than providing parking for the general public visiting the district centre more generally. There is a Council-owned public car park on the east side of Tykes Water, immediately adjacent to the appeal site and accessed by the same road off Watling Street. At the time of my site visit there were some spaces available within the public car park, but there is nothing before me (such as a parking survey) which might provide more a more objective assessment of the potential impact. Again, the lack of substantive evidence before me means that, notwithstanding the possible benefit of the development, I cannot be satisfied that the loss of the car park and service area would not have an unacceptable adverse impact on the viability of surrounding district centre uses.
16. The development therefore conflicts with Policies SP1, SP2 and CS28 of the HCS, Policy SADM42 of the SADMPP, and Policy RV1 of the 2021 Radlett Neighbourhood Plan. Together, and among other things, these policies seek to ensure that development does not have an adverse impact on local infrastructure and services, and that town and district centres are strengthened and their facilities and functions improved. For the same reasons, the development also conflicts with the provisions of the Framework which seek to ensure the vitality of town centres.

Conclusion

17. For the reasons given above, I find that the development conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Cryan

Inspector