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Dear Lisa

**Application to Undertake Development Granted By Planning Permission S6/2009/2574/FP Without Complying with Condition 21
Land at Hornbeam Lane (Spike Island), Brookmans Park, Hatfield, Herts, AL9 6JF**

On behalf of our client, Coutts & Co, we enclose an application under Section 73 of the Town & Country Planning Act 1990 (as amended). This seeks planning permission to undertake development granted by planning permission S6/2009/2574/FP without complying with Condition 21.

The application comprises:

- Planning application forms incorporating Certificate A and Agricultural Holdings Certificate;
- Plan 541 LP1 (3) - Site Location Plan; and
- Cheque for £195 being the required application fee.

Please acknowledge receipt of the application and enclosed fee in due course.

Application reference S6/2009/2574/FP was granted planning permission on 18th January 2010 by Welwyn Hatfield Borough Council for the "Erection of new dwelling, three bay garage block, garden store together with retention and alteration of the existing stables, landscaping and all other ancillary works. Following demolition of partially constructed dwelling, adjoining stables and garage blocks". This planning application (S6/2009/2574/FP) essentially sought to renew a number of consents previously granted on the site for a replacement dwelling house.

In particular, condition 21 of this planning permission read:

"Prior to the commencement of the development hereby permitted, details shall be submitted to the Local Planning Authority for approval in writing, showing easement details that give legal rights for vehicular traffic to travel along the Public Bridleway (Hornbeam Lane). REASON: To ensure that there is a legal right of access for vehicular traffic in accordance with Countryside and Rights of Way Act 2000".

Since this planning permission was granted, extensive dialogue has taken place between the applicant and Officers from Welwyn Hatfield Borough Council and Hertfordshire County Council with regards to the means of satisfaction of this condition. This process has proven that satisfaction of this condition as worded is not entirely straightforward and it is also queried whether this is strictly a planning consideration and hence the legitimacy of such a condition on a planning permission. To date, this issue has prevented marketing and disposal of the site due to queries over the ability to gain access. Therefore, in order to seek to resolve this it has been agreed with Officers that a variation of this condition is appropriate to a form that is less onerous in

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terms of the requirements to satisfy the condition, whilst ensuring that an element of consistency as far as the Local Planning Authority is concerned in respect of this matter.

In light of this, we are therefore seeking to formally vary Condition 21 of planning decision reference no. S6/2009/2574/FP, to read as follows:

“Prior to the commencement of the development hereby permitted, an opinion from counsel including statutory declarations and any other information shall be submitted to the Local Planning Authority which shows there are legal rights for vehicular traffic to travel along the public bridleway (Hornbeam Lane). Reason: To ensure that there is a legal right of access for vehicular traffic”.

As part of this process, pre-application discussions have taken place between yourself and our client with agreement being reached over this proposed amended wording to the condition.

We look forward to discussing the application with you in due course, however, in the meantime should you have any queries or require any further information please contact me.

Yours sincerely

Hollie Howe
Planner
Savills (L&P) Ltd