

Notice of Decision
Town and Country Planning Act 1990
Town and Country Planning (Development
Management Procedure) (England) Order 2015
Refusal of Permission

Mr D M Smith
7 Orchardmeade
Winchmore Hill
London
N21 2DL

Application No: 6/2015/1920/LAWP

Date of Refusal: 24 November 2015

WELWYN HATFIELD BOROUGH COUNCIL, hereby certify that on the application date, the operations/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate WOULD NOT have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990.

First Schedule: Certificate of proposed lawfulness for the rebuilding of boundary wall

Second Schedule: The Twelve Apostles Church, Kentish Lane, Brookmans Park Hatfield, AL9 6NG

Applicant: The Greek Orthodox Community

Application Date: 29 September 2015

Refused Plans and Details:

1. The permission referenced S6/2011/1617/FP was never implemented, and has since expired. Accordingly, planning permission is required for the rebuilding of the boundary wall, and the request for a certificate of lawfulness should be refused.

2. 1:1250 Site Location Plan & SK/02 A & SK/01 A received 29 September 2015



Colin Haigh
Head of Planning

Town and Country Planning Act 1990

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse permission for
- a certificate for lawful development, there is no time restriction.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.