

To: Mr D Martyn Smith  
7 Orchardmede  
London  
N21 2DL

## **Important – Planning permission and notices of consent**

### **Compliance with conditions**

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee may be payable for each request to discharge conditions.

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk) between 0900 – 1300 daily.

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

To: Mr D Martyn Smith

**Application No:** 6/2015/2396/FULL

**Date of Approval:** 24 March 2016

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned act, hereby GRANT, subject to the development beginning not later than 3 years from the date hereof to: -**

**Development:** Rebuilding of sections to existing wall on boundary to Woodfield Lane

**At Location:** Twelve Apostles Church, Kentish Lane, Brookmans Park, Hatfield, AL9 6JY

**Applicant:** The Greek Orthodox Community

**Application Date:** 12 January 2016

In accordance with the accompanying plans and particulars, subject to the conditions listed below: -

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Location Plan @ Scale 1:1250 & Block Plan @ 1:500 & SK/01A & SK/02A and Photographs Sheet 1 and 2 received and dated 26.11.2015.

**REASON:** To ensure that the development is carried out in accordance with the approved plans and details.

2. The brickworks, flints, bond, mortar and detailing of the approved wall and piers shall match those of the existing church. Brick copings and flints from the existing wall to be replaced shall be salvaged and re-used and if any additional copings and flints are required these are to be matching in appearance.

**REASON:** To ensure a satisfactory standard of development in the interests of visual amenity of the Green Belt and surrounding area in accordance with Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.

3. No tree or shrub on the adjacent highway verge on Woodfield Lane shall be cut down, uprooted or destroyed, nor shall any such tree or shrub be pruned. Any topping or lopping shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Any trenches that are dug for the new wall and piers close to the existing trees on the adjacent highway verge shall be hand dug to prevent mechanical damage to the roots.

No equipment, machinery or materials shall be stored or placed in any area under the canopies of these trees and no tools shall be washed under the canopies of these trees. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is within the site or on land adjacent to the boundary to be retained in accordance with the approved plans and particulars; and the paragraphs above shall have effect until the expiration of five years from the date of the commencement of the development hereby approved.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

4. The brick wall sections hereby permitted must be constructed with a lime based mortar and, subsequently, shall be retained in that condition.

REASON: To ensure the historic and architectural character and setting of the building is properly maintained, in accordance with the National Planning Policy Framework.

#### REASON FOR APPROVAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

#### **Informative(s)**

1. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

2. The applicant is advised to contact the Highways Authority (Hertfordshire County Council Transportation Strategy and Policy) with regard to works adjacent to the highway.
3. You are advised that all traces of ivy infestation should be removed prior to rebuilding of the wall sections.



Colin Haigh  
**Head of Planning**

## **Town and Country Planning Act 1990**

### 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.
- 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 householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
  - a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
  - an application for advertisement consent, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice;
  - works in respect to a tree preservation order application, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice;
  - a lawful development certificate, there is no time restriction.
- For all other appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. •
- 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](http://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.