

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

Mr A Barham  
Bayley Hall  
Queens Road  
Hertford  
SG141EN

**Application No:** 6/2016/1068/FULL

**Date of Refusal:** 9 March 2017

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:**

**Development:** Addition of A3 (Restaurant and Cafe) use alongside previously granted uses A1 (Retail), A2 (Financial and Professional Services) and B1 (Business) to the commercial unit to ground floor

**At Location:** Barham Court, 80 Station Road, Cuffley, Potters Bar, EN6 4HY

**Applicant:** Mr A Barham

**Application Date:** 31 May 2016

1. The proposed development would create a demand for car parking that would not be provided for within the application site and would, as a result, create significant overspill parking demand that would give rise to parking congestion on surrounding roads and create inconvenience to other road users and have an adverse impact on the living conditions enjoyed by occupiers of residential properties in the vicinity of the site. The proposal would, therefore, be contrary to Policies M14 and D5 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance - Car Parking Standards 2004 and the Interim Policy on Car Parking and Garage Sizes 2014.

**REFUSED DRAWING NUMBERS**

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
BEV-171-WD-001		Proposed Site Layout	31 May 2016
BEV-171-MK-001		Floor Plans	31 May 2016
BEV-171-WD-001		Proposed Site Layout	31 May 2016
160423/GI	A	Proposed Louvered Grilles	31 May 2016
160421/GI	A	Proposed Extraction System	31 May 2016
160422/GI	A	General Layout	31 May 2016

## POSITIVE AND PROACTIVE STATEMENT

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).



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 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 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;
  - 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 certificate for lawful development, 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.