

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 N Bennett
Magenta Planning Ltd
6 Rowben Close
Totteridge
London
N20 8QR

Application No: 6/2017/2964/MAJ

Date of Refusal: 5 April 2018

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

Development: Demolition of existing redundant structures and erection of single family dwellinghouse (within envelope of existing structures), together with associated tree planting scheme (part of Centenary Woods project sponsored by Woodland Trust); landscaping and car parking

At Location: Blue Moon Paddock Woodfield Lane Brookmans Park AL9 6JJ

Applicant: Mr J Westrope

Application Date: 3 January 2018

1. The proposal is contrary to the settlement strategy of the Council and, on balance, fails to achieve a benefit across the three dimensions of sustainability – environmental, social and economic for the reasons discussed within the report including, but not limited to, the location and its remoteness from existing services and facilities and from existing infrastructure. This is not outweighed by the limited environmental, economic and social benefits of the scheme. As such, the proposed development is fundamentally unsustainable, contrary to Saved Policies SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005; Policies SADM 1, SADM 34 and SP 3 of the Council's Draft Local Plan Proposed Submission 2016; and the "golden thread" of the National Planning Policy Framework 2012 which seeks to achieve sustainable development.
2. The design and nature of the proposed development is harmful to the openness and visual amenity of the Green Belt and conflicts with the purposes of including land within the Green Belt by encroaching residential form into the countryside and failing to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm to the Green Belt and the other harm identified. The development therefore fails to comply with the objectives of Saved Policies GBSP1 and GBSP2 of the

adopted Welwyn Hatfield District Plan 2005; Policies SP 3 and SADM 34 of the Council's Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2012.

3. The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. As such, the proposal is not considered to comply with Saved Policy D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005; Policies SP9 and SADM 16 of the Council's Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
P/508		Proposed Tree Planting Plan	22 December 2017
P/501	A	Existing Site Plan	29 March 2018
P/503	A	Existing Sectional Elevations	29 March 2018
P/504	A	Proposed Sectional Elevations	29 March 2018
P/506	A	Proposed Roof Plan	29 March 2018
P/502	B	Proposed Site Plan	29 March 2018
P/505	A	Proposed Floor Plan	29 March 2018
P/500		Location Plan	22 December 2017
PRI19248-03		Tree Protection Plan	22 December 2017
PRI19248-01		Tree Reference Plan	22 December 2017

1. 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.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.