

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

Mrs I Mancheva
33B Grand Parade
Green Lanes
Haringey
London
N4 1LG

Application No: 6/2018/1977/FULL

Date of Refusal: 26 September 2018

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

Development: Change of use from retail (A1) to a mixed use retail and beauty salon (A1 and Sui Generis)

At Location: 4 Maynard Place Cuffley Potters Bar EN6 4JA

Applicant: Senhouse of nails limited

Application Date: 1 August 2018

REFUSED DRAWING NUMBERS

1.

Plan Number	Revision Number	Details	Received Date
A101		Existing And Proposed Floor Plans	15 August 2018
A000		Location And Site Plans	26 July 2018

1. The proposed change of use would result in the loss of a Class A1 retail use within the Large Village Centre of Cuffley. As the proportion of Class A1 retail units would be reduced to 42%, it is considered that the replacement of a retail use (Class A1 use) with a beauty salon (Sui Generis use) would undermine the vitality and viability of the village centre. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that exceptional circumstances exist to justify a departure from the Development Plan and as such the proposal fails to comply with Policy TCR26 of the Welwyn Hatfield District Plan 2005 and Policy SADM4 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.
2. Insufficient information has been provided to show how odour from chemicals associated with the nail bar and noise from plant and equipment would be

controlled. The proposal is therefore contrary to the objectives of Policy R19 of the adopted Welwyn Hatfield District Plan 2005, which requires appropriate noise mitigation where this can overcome unacceptable impacts on residential amenities; and the advice contained in the National Planning Policy Framework 2018, which requires development to secure a good standard of amenity for all existing and future occupiers of land and buildings.

3. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

A handwritten signature in black ink, appearing to read 'C. Haigh', written in a cursive style.

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;
 - 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 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.