

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 Joshua Fussell
22a Holtwhite Avenue
Enfield
EN2 0RS

Application No: 6/2021/2571/FULL

Date of Refusal: 14 June 2022

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

Development: Erection of a single storey building to rear for use as additional dining space for existing restaurant

At Location: Judges Judge's Hill Northaw Potters Bar EN6 4NL

Applicant: Carlos Martinez

Application Date: 23 December 2021

1. The proposed development would constitute an extension or alteration, together with previous additions, that would result in disproportionate additions over and above the size of the original building. Therefore, the proposal equates to inappropriate development in the Green Belt. There would be other harm due to the loss of the openness of the Green Belt. Other considerations would not clearly outweigh the harm by reason of inappropriateness and loss of openness. Consequently, the very special circumstances required to approve inappropriate development in the Green Belt do not exist. The proposed development would be contrary to Policies GBSP1 and RA2 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Draft Local Plan 2016 and Section 13 of the National Planning Policy Framework.
2. The proposed development would materially harm the character and significance of a designated heritage asset and the setting of a listed building. In addition, the proposed design of the structure means that it would have a detrimental impact on the conservation area and the character of the area. As no justification has been provided which would outweigh the harm to the character and significance of these designated heritage assets, there are no benefits which outweigh this harm. As such, the proposal is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. No information has been provided to demonstrate sufficient noise mitigation and to provide the insulation properties of the structure to control noise breakout. The proposed development would therefore exacerbate the noise issues at the site facilitate a continuation, in part, of the unacceptable level of

noise which is currently being produced by the activities on site. The proposal is therefore contrary to Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, Policies SADM11 and SADM18 of the Welwyn Hatfield Draft Local Plan 2016 and the National Planning Policy Framework.

4. Insufficient information has been submitted, by way of incorrect plans, due to the existing unauthorised structure not being included, along with other large canopies on site. A comprehensive assessment of the impact the unauthorised/ proposed structures are having/would have on this site can therefore not be undertaken.

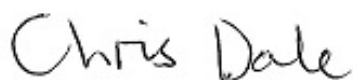
REFUSED DRAWING NUMBERS

5.

Plan Number	Revision Number	Details	Received Date
2025/EX02	1	Existing Elevations	29 September 2021
2025/EX01	1	Existing Floor Plan	29 September 2021
2025/PA01	2	Block Plan/ Floor Plan	3 September 2021
2025/PA03	2	Proposed Elevations	3 September 2021
2025/PA04	2	Proposed 3D Visuals	3 September 2021
2025/PA02	2	Proposed Floor Plan	3 September 2021
Location Plan		Location Plan	3 September 2021

1. 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).



Christopher Dale
Assistant Director (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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate

(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on [GOV.UK](https://www.gov.uk).