

**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 Chatharoo  
9 Freemans Acre  
Hatfield  
AL10 9JJ

**Application No:** S6/2014/2378/FP

**Date of Refusal:** 3 September 2015

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

**Development:** Change of use from dwelling (class C3) to House in Multiple Occupation (class C4)

**At Location:** 9 Freemans Acre, Hatfield, AL10 9JJ

**Applicant:** Mr A Chatharoo

**Application Date:** 16 March 2015

In accordance with the accompanying plans and particulars, for the reasons specified below: -

1. The proposed use of the property as an HMO, by reason of the over-concentration of HMO's in this location, would perpetuate an imbalance of housing types within 50m of the application site contrary to the objective of protecting residential amenity in Policy D1 of the Welwyn Hatfield District Plan 2005 and Criterion HMO1 of the Houses in Multiple Occupation Supplementary Planning Document (2012).
2. The proposal would fail to provide sufficient on-site car and cycle parking facilities to meet the expected level of demand generated by the use as a large HMO. The proposed use would, therefore, give rise to unacceptable levels of on-street parking which would be likely to obstruct the public highway and adversely affect highway safety in the vicinity of the site contrary to Saved Policy M14 of the Welwyn Hatfield District Plan 2005 and Criterion HMO2 of the Houses in Multiple Occupancy Supplementary Planning Document' (HMO SPD 2012).
3. By virtue of two of the second floor bedrooms failing to meet the minimum requirements for the size of units (8m<sup>2</sup>), the proposal would result in poor quality provision of residential amenity which is considered insufficient and would detrimentally affect the amenity of future occupiers. The development would fail to represent high quality design and would not provide an appropriate standard of residential amenity for future occupiers of the units. The development is therefore contrary to saved policy D1 of the Welwyn Hatfield Development Plan 2005, Criterion HMO5 of the Houses in Multiple Occupancy Supplementary Planning Document' (HMO SPD 2012), the Council's adopted

4. A102 & Site Location Plan (scale of 1:1250)

REASON FOR REFUSAL

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 Councils 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;
  - 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.