

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2022/1990/PN6  
**Location:** The Rafter's Vineyards Road Northaw Potters Bar EN6 4PG  
**Proposal:** Prior approval for the erection of 8.5m x 6m private road access of the nearby farmland  
**Officer:** Ms Elizabeth Mugova

**Recommendation:** Prior Approval Required and Refused

6/2022/1990/PN6

<b>Context</b>			
<b>Site and Application description</b>	<p>The site is located west of Vineyards Road, and is approximately 0.3 hectares in a rural area setting. The site lies within the Metropolitan Green Belt and Northaw Common Parkland Landscape Character Area. The application site is currently open grassland and free from development.</p> <p>The submission is to establish whether there is a need for prior notification under the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 6 for the erection of 8.5m x 6m private road access of the nearby farmland.</p>		
<b>Constraints (as defined within WHDP 2005)</b>	<p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0          Wards - Northaw &amp; Cuffley - Distance: 0          A4D - ARTICLE 4 DIRECTION - Distance: 0</p>		
<b>Relevant planning history</b>	None		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 4	Other: 0
<b>Publicity</b>	Neighbour notification letters		
<b>Summary of neighbour responses</b>	<p>Summary of objections</p> <ul style="list-style-type: none"> <li>• This is a retrospective application</li> <li>• Inappropriate development in the Green</li> <li>• No justification for creating new entrance</li> <li>• Unduly affect highway safety</li> </ul>		
<b>Consultees and responses</b>	No representations received		
<b>Main Issues</b>			
	<p>The main considerations in respect of this notification are whether the proposed development meets the criteria for permitted development of Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the design and siting of the structure.</p>		

Requirements of the General Permitted Development Order 2015 Schedule 2, Part 6, Class B classifies permitted development as:

B. The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—

- (a) the extension or alteration of an agricultural building;
- (b) the installation of additional or replacement plant or machinery;
- (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- (d) the provision, rearrangement or replacement of a private way;
- (e) the provision of a hard surface;
- (f) the deposit of waste; or
- (g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit.

**Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;

**The application site is less than 0.4 hectares in area.**

- (b) the external appearance of the premises would be materially affected;

**The application site is currently open grassland and free from development, therefore, the external appearance of the site would be materially affected.**

- (c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

**The development is within 25m of Vineyards Road which is a classified road.**

- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or

	<p>structure is within 400 metres of the curtilage of a protected building;  <b>The development does not consist of these works.</b></p> <p>(e)it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept;  or  <b>The development does not consist of these works.</b></p> <p>(f)any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.  <b>The development does not consist of these works.</b></p> <p><b>B.2</b> N/A</p> <p><b>B.3</b> N/A</p> <p><b>B.4</b> Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part.  <b>The development would not exceed 465 square metres</b></p>
<p><b>Any other considerations</b></p>	<p><b>Comments from neighbours</b>  The comments from neighbours regarding inappropriate development in the Green Belt and impact on highway safety are noted. Although these are material planning matters, they are not for consideration as part of Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>
<p><b>Conclusion</b></p>	
<p>The application site does not comprise of an agricultural unit and is less than 0.4 hectares in area. The proposal is not required for the purposes of agriculture within the unit. As such, the proposed development is not classified as permitted development. The site is currently open grassland and free from development, it is therefore considered that the external appearance of the premises would be materially affected. Furthermore, the site is located less than 25 metres from Vineyards Road which is a classified road. Consequently, the proposal fails to meet the criteria of Schedule 2, Part 6, Class B.1 (a, b &amp; c) of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	

**Reasons for Refusal:**

1. The proposal fails to meet the criteria of Schedule 2, Part 6, Class B.1 (a, b & c) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**REFUSED DRAWING NUMBERS**

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
204		Existing site plan	26 August 2022
205		Proposed site plan	26 August 2022

**Determined By:**

Mr Mark Peacock  
21 September 2022