

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/2286/FULL
Location: 65 Tiger Moth Way Hatfield Hertfordshire AL10 9LT
Proposal: Retention of change of use from HMO to C2 dwellings for children
Officer: Ms Ashley Ransome

Recommendation: Refused

6/2023/2286/FULL

Context	
Site and Application description	<p>The application site is located on the east side of Tiger Moth Way within a residential area of Hatfield. Opposite the site is an area of public open space and a playground. The application dwelling is a three storey, mid-terrace property with a small rear garden. A parking court lies to the rear of the property outside of the application site.</p> <p>This application seeks planning permission for the retention of the change of use of the property from a HMO to a C2 dwelling for children.</p> <p>A concurrent application for a similar development proposal at No.61 Tiger Moth Way is under consideration as detailed below in the 'relevant planning history' section of the report.</p> <p>These applications follow three previous applications under references 6/2023/1233/FULL, 6/2023/1234/FULL and 6/2023/1239/FULL at Nos. 65, 61 and 59 with descriptions of 'Change of use from HMO to residential institutions (class C2)'. All three applications were refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development would result in a significant increase in activity associated with site and a marked change in the intensity of use to the detriment of the character of the surrounding area. This would be exacerbated by way of the cumulative impact of having three residential institutions in close proximity. The proposal is therefore contrary to Policies GBSP2, D1, D2 and H4 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance, Policies SP1 and SP9 of the Emerging Local Plan and the National Planning Policy Framework. 2. The proposed development would result in significant disturbance and harm to the residential amenity of neighbouring occupiers in terms of noise and activity levels, contrary to Policies D1 and R19 of the District Plan; Policies SP1 and SADM11 of the Draft Local Plan; and the National Planning Policy Framework. 3. The proposed development fails to provide adequate on-site parking and safe and suitable access for all users to the detriment of highway safety and contrary to Policy M14 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes; and the National Planning Policy Framework.

	<p>Since the submission of the current applications, the previously refused applications were appealed. The appeals were dismissed on the 11th March.</p> <p>Between the previously refused applications and the current applications, the main difference is in the description whereby it states that the change of use from an HMO to a C2 dwelling is retrospective. A document containing the company profile has also been submitted to support the current applications.</p> <p>Since the previous applications, Welwyn Hatfield Borough Council have adopted a new Local Plan, and as such, the application is subject to assessment against the new policies.</p>
Constraints	<p>SAG - 0 - Distance: 0 LCA - Landscape Character Area (De Havilland Plain) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 A4DAS - Hatfield Additional Storeys Article 4 Direction - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7591180) - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HHAA - Hatfield Heritage Assessment Area (Hatfield Business Park) - Distance: 0</p>
Relevant planning history	<p><u>Planning</u> Application Number: 6/2023/1233/FULL Decision: Refused Decision Date: 12 September 2023 Proposal: Change of use from HMO to residential institutions (class C2)</p> <p>Application Number: 6/2023/1234/FULL Decision: Refused Decision Date: 12 September 2023 Proposal: Change of use from HMO to residential institutions (class C2)</p> <p>Application Number: 6/2023/1239/FULL Decision: Refused Decision Date: 11 September 2023 Proposal: Change of use from HMO to residential institutions (class C2)</p> <p>Application Number: 6/2023/2285/FULL Decision: Refused Decision Date: 18 March 2024 Proposal: Retention of change of use from HMO to C2 dwelling</p> <p><u>Appeals</u> Application Number: 6/2023/1234/FULL Decision: Appeal Dismissed Decision Date: 11 March 2024 Proposal: Change of use from HMO to residential institutions (class C2)</p> <p>Application Number: 6/2023/1239/FULL</p>

	Decision: Appeal Dismissed Decision Date: 11 March 2024 Proposal: Change of use from HMO to residential institutions (class C2)		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 26 January 2024 Site Notice Expiry Date: 16 February 2024 Neighbour Letters		
Summary of neighbour responses	No neighbour representations received.		
Consultees and responses	<p>Hertfordshire Constabulary – There is insufficient information supplied to be able to comment in a constructive way. The applicant should have provided details of how this establishment will be run with regards the safety of the occupants. What measures will be taken to ensure the occupant of the 'sandwiched' property does not suffer severe loss of amenity. We know these small children's homes can attract unwelcome attention from certain sections of society and I would need to know what measures are to be put in place to mitigate any disruption to the locals in the immediate and surrounding areas. Without this information I could not support this application.</p> <p>WHBC Client Services – No additional impact on existing refuse & recycling services.</p> <p>WHBC Public Health and Protection – Recommends that permission can be permitted with conditions.</p> <p>Hatfield Town Council – No response received.</p> <p>Children's Services, Hertfordshire County Council – No response received.</p>		
Relevant Policies and Guidance			
National Planning Policy Framework			
The Welwyn Hatfield Borough Council Local Plan 2016-2036:			
<ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP3 Settlement Strategy and Green Belt Boundaries • SP4 Transport and Travel • SADM2 Highway Network and Safety • SADM3 Sustainable Travel for All • SP7 Type and Mix of Housing • SADM9 Loss of Residential • SP9 Place-making and High Quality Design • SADM11 Amenity and Layout • SADM12 Parking, Servicing and Refuse 			
Planning Guidance:			
<ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Supplementary Planning Guidance Parking Standards 2004 • Interim Policy for Car Parking Standards and Garage Sizes 2014 • Houses in Multiple Occupation Supplementary Planning Document 2012 			

- Planning Practice Guidance
- National Design Guide

Others:

- Hertfordshire’s Local Transport Plan (2018 – 2031) 2018
- Manual for Streets

Main Issues

Principle of Development

Special Needs Housing

Local Plan Policy SP7 sets out the type and mix of housing to be delivered, which includes specialist housing. Specialist housing comprises a mix of people who require to live in an environment providing care, including vulnerable people and those who are unable to live independently. Whilst the plan supports a net increase of accommodation needs for older people, it is however acknowledged in Policy SP7 that other people including young people, people with physical disabilities or sensory needs, people with learning difficulties and other vulnerable people may also require specialist accommodation.

As such, it is considered that the proposal of a residential institution would provide vulnerable people a safe place to reside, which is considered to meet with Policy SP7 of the Council’s Local Plan.

Loss of Residential

Policy SADM9 outlines that there is a policy presumption against the loss of existing dwellings. However, Policy SADM 9 sets out the circumstances in which site specific or other circumstances may outweigh the general policy objective, setting out that *“Proposals which result in the loss of one or more dwellings will only be permitted where:*

- i. The resultant development would result in a net gain in the overall number of dwellings on the application site; or*
- ii. It can be demonstrated that the existing dwelling is significantly affected by adverse environmental conditions and there is no reasonable prospect that the impacts can be adequately mitigated against to create a healthy living environment for existing or future occupants; or*
- iii. The social, economic or environmental benefits of doing so are demonstrated to significantly outweigh the need to minimise net losses to the borough’s housing stock.”*

The courts have found that HMOs, including both small HMO (Use Class C4) and large HMOs (sui generis), are ‘dwellinghouses’. A residential institution is not a dwellinghouse. The change of use from a HMO to a residential institution would therefore result in the loss of a dwellinghouse.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan, unless material considerations indicate otherwise. The

	<p>proposed change of use would result in a net reduction in the number of dwellings in the district in conflict with Policy SADM9. However, case law has established that a breach of a particular development plan policy does not necessarily equate to a failure to accord with the development plan as a whole. The Court of Appeal judgment <i>Corbett v Cornwall Council</i> [2020] provides relevant guidance. Referring to previous case law, it held that the section 38(6) duty can be met where the decision-maker establishes whether or not the proposal accords with the development plan as a whole, given that it is not at all unusual for development plan policies to “pull in different directions” and a judgement therefore has to be made.</p> <p>Whilst the conflict with Policy SADM9 is acknowledged, it is not considered that this conflict alone would amount to reasonable grounds to withhold planning permission. Other factors including the provision of special needs housing in accordance with the objectives of Policy SP7 are to be weighed in the balance.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”</p> <p>The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site’s character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.</p> <p>Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.</p> <p>In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:</p> <ul style="list-style-type: none"> - Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place; - Use local materials and building methods/details to enhance local distinctiveness; and - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered

	<p>The development would not materially change the physical form of the application property, therefore, in terms of appearance, it is not objectionable. Within the previously refused application of 6/2023/1233/FULL, the officers report set out that the consideration of the 'character and context' of the area is not limited to a purely visual assessment, having regard to the recent Court of Appeal judgement in Kazalbash v The Secretary of State for Levelling Up, Housing and Communities. This judgement confirms that it is reasonable, when assessing a development's impact on the character and appearance of an area, to not simply consider the physical changes proposed. The previous officers report considered this further.</p> <p>However, within the recent appeal decision at the subject site, the Inspector set out that the property would provide specialist housing for which there is an identified need, and there was no evidence before them to demonstrate that the proposals would result in a harmful concentration of specialist housing or that health care services would be unable to support the proposals. Moreover, the Inspector acknowledged that the buildings are already in-situ and no physical changes are proposed, and whilst the appellant advised that the properties are already in use for care provision, they did not stand out as particularly different within the townscape in terms of their appearance or how they are used. The Inspector also noted that there was no obvious indication of other properties within the locality of the appeal sites that were in a residential institution use.</p> <p>The Inspector within their recent appeal at this site went on to set out that whilst they agree with the Councils statement that character is not limited to appearance since character is also about how a place is experienced as a whole, nevertheless, the use of the properties would remain, principally, as residential accommodation which is in keeping with the established residential surroundings.</p> <p>Having regard to the recent appeal decision, in summary, it is considered that the development has an acceptable effect on the character of the area. The application is therefore in accordance with Policies SP1, SP9 and SADM16 of the Welwyn Hatfield Borough Local Plan, Supplementary Design Guidance and the National Planning Policy Framework.</p>
<p>Residential Amenity</p>	<p>Paragraph 130 of the NPPF seeks to secure a high standard of amenity for all existing and future users of land and buildings. Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's SDG which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised.</p> <p><u>Impact on neighbours</u> No neighbour representations have been received.</p> <p>As there are no external alterations to the application building, the change of use to a residential institution would not give rise to material adverse impacts on the amenity of occupiers of adjoining or surrounding properties by reason of loss of light, privacy, overshadowing, overlooking or overbearing impact.</p>

The operational impact of the use is more nuanced. It is acknowledged that the number of occupants residing at the site would be no different to a large family and the use as a residential institution is a form of residential use. However, the way a care home is used could potentially give rise to a greater level of disturbance compared to either a C3 dwellinghouse or a C4 HMO.

As with the previous application of 6/2023/1233/FULL, it is considered that the application lacks sufficient information to enable the Local Planning Authority to fully consider the effects of the development on the amenity and living conditions of neighbouring residents. As agreed by the Inspector through the recently dismissed appeals (listed within the history section of the report), this is because there is no substantive evidence provided in relation to how the residential institution would operate, how it would be managed, and in respect of the specific needs of the occupants that would reside at the residential institution. This also includes the number of residents who live or stay at the properties, or the management arrangements there, including the numbers of staff that would occupy or visit the sites throughout the day and night. Similarly, there are no details of the numbers or types of deliveries or visitors expected. Nonetheless, it is considered that the use would generate significantly more activity compared to a family home or a C4 HMO, and the occupants themselves may be more likely to generate noise, for example, through shouting. Similar concerns have been expressed by Hertfordshire Constabulary in their representation. It is acknowledged that noise levels would vary depending on factors such as the number of occupants, their ages, care needs, supervision, and the management of the facility. Nevertheless, it is considered that a residential institution has a greater potential to be noisier when compared to a dwellinghouse or a C4 HMO, and the applicant has submitted insufficient information to overcome this concern.

Depending on the care needs of the occupants, the use would generate a significant increase in the number of visitors to the site (shift workers, various health visitors, family visitors, day care mini-buses, emergency vehicles, caterers, clinical waste collections, cleaners, building & garden maintenance workers, etc.) which would likely result in significant adverse amenity impacts for neighbouring residents. The increased traffic, noise and potential disturbances associated with a care home would result in a significant departure from the established character and nature of the existing use of the property as a C4 HMO and the wider area which is characterised by dwellinghouses.

Within the recently dismissed appeals, the Inspector went on to say that detail of the management of the properties goes to the core of this main issue and it was considered that it is not appropriate for such details to be requested by condition. Instead, they should be provided prior to a decision being made.

Overall, given the proximity of adjoining properties and the relative high density of the surrounding development, for the reasons set out above, it is considered that the use would result in significant detrimental impacts upon neighbouring amenity, contrary to Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance and the National Planning Policy Framework.

Living conditions for future occupiers

	<p>Policy SADM11 of the Local Plan requires, as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for dwellings. If a dwelling has more than one bedroom, Table 1 of the NDSS suggests the minimum number of bed spaces (persons) is 3 people (one double room and one single).</p> <p>The Nationally Described Space Standards sets out that the floor space of a double bedroom should measure 11.5m². From observing and measuring the submitted floor plans, two of the bedrooms (one on the first floor and one on the second floor) do not meet the Nationally Described Space Standards for a double bedroom. It is however acknowledged that these bedrooms remain as existing, along with the consideration that the proposal would not be for dwelling use and thus the standards are therefore only guidance. Moreover, the bedrooms would likely be for a single occupant due to the nature of the proposed use as a residential institution, and if planning permission were granted, the number of occupants could be controlled by condition such that the rooms would be single occupancy only. It is therefore considered that this would not be a reasonable reason to from the refusal of the application.</p> <p>In terms of private amenity space, Policy SADM11 of the District Plan and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes for gardens, but the layout and design of the garden in relation to the built environment should ensure that the garden is functional and useable in terms of its orientation, width, depth and shape, with the garden large enough to be useable and meet the needs of the occupiers of the home. The property benefits from a garden to the rear. Whilst the garden is small, it would provide an adequate outdoor amenity space given the level of occupancy proposed and the large areas of public open space nearby.</p>
<p>Access, car parking and highway considerations</p>	<p>Paragraph 111 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.</p> <p>Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.</p> <p>Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.</p>

For a C2 use with care staff on premises at all times, the SPG guidelines suggest that one space per five residents' bed spaces is provided, plus one space per two staff. The property contains three bedrooms, thus one space would be sufficient to accommodate the residents. However, no meaningful information has been provided with respect to the number of care staff and other visitors to the site.

No details have been provided with respect to the current parking arrangements for occupants or visitors to the site. The application form states that there is no off-street parking and the red line boundary on the location plan solely encompasses the site only, with no off-street parking being included within the red line. The application is therefore assessed on the basis that no off-street parking currently exists for the site.

Apart from the use of the property now being considered as existing, no further information has been provided within this application in respect to parking over and above that which was provided within the previously refused application of 6/2023/1233/FULL. This section of the report therefore remains largely the same.

During a recent site visit, Officers witnessed a considerable number of vehicles parking on the street. No vehicles were parked on verges or footways as there are restrictions in place. A restriction between 8am-6pm Monday to Friday is also in place to allow only resident permit holders to park between these times. A discussion with the WHBC Parking Services Team surrounding parking permits during the course of the previous application of 6/2023/1233/FULL established that permits would not be granted for managers/careers employed at the site as they do not fall into one of the parking permit holder categories. The application is not supported by any travel information to explain how the development would operate. There is no specified end use for the development, and it is important that adequate access and parking arrangements are provided for disabled persons. The nearest uncontrolled on-street space is approximately 1.4km away, thus it cannot be said that the development would be accessible for all who may wish or need to travel to it. The application does not address the accessibility needs of any disabled residents, visitors or employees, thus it is considered that the proposal provides inadequate access and parking arrangements for disabled persons. Within the recent appeal decision at this site, the Inspector agreed with the above.

Tiger Moth Way and the surrounding area is built to a relatively high density and sees narrowing of roads and a tight highway geometry, and these features, together with parking controls, limit the ability to conveniently or safely park on the highway. The use would add to parking pressures within the vicinity, and this would be harmful to the convenience and safety of other road users. Within the recent appeal decision at this site, the Inspector agreed with the above.

The absence of parking for the use is neither safe nor suitable to safely cater for the traffic movements from the application property. In addition, any displaced parking and increase in parked vehicles along the narrow street road would add to the cluttered nature of the environment and as such would cause some, albeit limited, harm to the character and appearance of the area.

	<p>It is acknowledged that the application site is within walking distance of local shops and facilities (approximately 800m to the Comet Square local centre) and to bus routes, and so, public and other non-car means of transport are viable travel options. However, given the particular circumstances of the use discussed above, it is concluded that the development does not provide adequate off-street parking to the detriment of highway safety and character and appearance of the area. As such, the proposal conflicts with Policies SP9, SADM2 and SADM12 of the Welwyn Hatfield Local Plan; the guidance in the Council's Supplementary Planning Guidance Parking Standards 2004, the Interim Policy for Car Parking Standards and Garage Sizes, and the National Planning Policy Framework. Together, these policies and guidance aim to ensure that development achieves a sensible level of parking taking into account existing standards, national policy, and local circumstances. It also conflicts with Chapter 9 of the NPPF which, amongst other things, sets out that safe and suitable access should be achieved for all users and the needs of people with disabilities and reduced mobility should be addressed.</p>
<p>Any other considerations</p>	<p><u>Refuse and Recycling</u> With the site remaining in residential use, there would be no change to the existing waste storage and collection from that of the existing C3 residential use.</p>
<p>Planning Balance</p>	<p>Policy SP1 sets out principles which seek to bring about sustainable development in the Borough. Factors which are key to this proposal include: planning positively for growth in a way which increases the supply of housing and helps to reduce social and health inequalities whilst recognising environmental and infrastructure constraints. That new development should contribute to the creation of mixed and sustainable communities which, among other things, are well planned, environmentally sensitive, and built to high design standards reflecting local character. That the location of new development should deliver a sustainable pattern of development which minimises the need to travel.</p> <p>The provision of a residential institution in this location would provide a safe place for vulnerable people to reside, which in turn would help to reduce the social and health inequalities, thus acting as a benefit of the proposal in accordance with Policies SP1 and SP7.</p> <p>Weighing against the proposal is the loss of a dwellinghouse in conflict with Policy SADM9. Other factors weighing against the proposal include the intensification of the use of the site which would harm the amenity of neighbouring occupants, contrary to Policies SP1, SP9 and SADM11.</p> <p>The development would fail to provide adequate access and parking arrangements for all residents, employees, service providers, and other visitors to the property contrary to Policy SADM12. The absence of parking for the proposed use is neither safe nor suitable to safely cater for the traffic movements from the application property contrary to the NPPF.</p> <p>The proposal does not recognise the environmental and infrastructure constraints of the site. It does not reflect the local character, and in this regard it is not environmentally sensitive. Overall, the proposal is not well-planned and is not of a high standard of development. On these issues, there is conflict with Policy SP1.</p>

	<p>Moreover, the cumulative effect of having several residential institutions in very close proximity to one another would exacerbate the detrimental impacts upon neighbouring amenity, along with the parking and highway safety issues, and compound its detrimental impact upon the area.</p> <p>In view of the above, the benefits of the development do not outweigh the significant and demonstrable harm which has been identified. As such, the development is contrary to the Development Plan and the National Planning Policy Framework.</p>
Conclusion	
<p>The application is contrary to the development plan. There are no material considerations which outweigh the conflict with the development plan. Accordingly, for the reasons given above, it is recommended that planning permission is refused.</p>	

Reasons for Refusal:

1. The proposed development would result in significant disturbance and harm to the residential amenity of neighbouring occupiers in terms of noise and activity levels, contrary to Policies SP1 and SADM11 of the Local Plan and the National Planning Policy Framework.
2. The proposed development fails to provide adequate on-site parking and safe and suitable access for all users to the detriment of highway safety, contrary to Policy SADM12 of the Local Plan, the Council’s Supplementary Planning Guidance Parking Standards 2004; the Interim Policy for Car Parking Standards and Garage Sizes and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

3.	Plan Number	Revision Number	Details	Received Date
			Location Plan	13 November 2023
	TIG1012		PROPOSED BLOCK PLAN	13 November 2023
	TIG1001		EXISTING FLOOR PLANS	13 November 2023
	TIG1004		PROPOSED FLOOR PLANS	13 November 2023

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).

Determined By:

Mr Mark Peacock
19 March 2024