

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 G Elvidge
Whitehouse Farm
Whitehouse Lane
Swindon
DY3 4PE

Application No: 6/2017/2523/HOUSE

Date of Refusal: 3 January 2018

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

Development: Erection of open sided carport replacing existing structure
At Location: East Lodge Judge's Hill Northaw Potters Bar EN6 4NL
Applicant: Mr Masani
Application Date: 8 November 2017

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

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed extension, taken cumulatively with previous extensions, would represent a disproportionate increase in the size of the original building and is therefore inappropriate development within the Green Belt. In addition, the scale and spread of development would harm the openness of the Green Belt. The Local Planning Authority do not consider that very special circumstances exist which outweigh the harm caused by reason of inappropriateness or impact on openness. The proposal is therefore contrary to the National Planning Policy Framework and Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan, 2005.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
35954-1		Proposed Elevations and Floor Plans	1 November 2017
35954 BP		Block Plan	1 November 2017
35954 LP		Location Plan	1 November 2017
35954 EX		Existing Elevations and Floor Plan	8 November 2017

1. POSITIVE AND PROACTIVE STATEMENT

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 Council's website or inspected at these offices).

Informative(s)

1. It has not been possible to find any record of planning permission for the existing carport and detached outbuilding in the rear garden. As permitted development rights for such structures within the application site has been removed, it is considered that the buildings have been constructed in breach of planning control. As such, the Council's Planning Enforcement Team has been informed about the breach.



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;
- 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.