

DLA Town Planning Ltd
5 The Gavel Centre
Porters Wood
St Albans
AL3 6PQ

Application No: 6/2019/1370/MAJ

Date of Refusal: 17 September 2019

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

Development: Erection of 26 dwellings and associated access

At Location: Land to the east of Firs Wood Close, Northaw

Applicant: Watford Community Housing

Application Date: 18 June 2019

1. The proposed development, which is located on land designated as Metropolitan Green Belt, would constitute inappropriate development, causing harm to the openness and purposes of including land in the Green Belt, which is by definition harmful to the Green Belt. Additionally further harm is caused to the visual amenities of the Green Belt. No very special circumstances exist which outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm identified. Accordingly, the proposal fails to comply with Policies H2, RA10 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance; Policies SADM1 and SADM34 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.
2. By virtue of its location and its remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, the proposal is contrary to the settlement strategy of the Council and represents an environmentally unsustainable form of development. As such, the proposal is contrary to Policies SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005; Policies SADM1 and SP1 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.
3. The proposed number and layout of dwellings fails to improve the character and quality of the area and the way it functions because they would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. Accordingly the proposal fails to comply with Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance; Policies SP9 and SADM16 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.

4. The applicant has failed to satisfy the sustainability aims of the Development Plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies IM2, M4 and H7 of the Welwyn Hatfield District Plan 2005; Policy SP7 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.
5. Insufficient information has been provided as part of this application to enable the Local Planning Authority to fully assess the drainage implications arising from the proposed development and to demonstrate that the development would not increase the flood risk elsewhere. Accordingly the proposed development poses a threat to the quality of both surface and /or groundwater, contrary to Policy R7 of the Welwyn Hatfield District Plan 2005, Policy SADM14 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2019.
6. The development fails to promote opportunities to travel by non-car based modes of travel and it fails to provide safe, and suitable access for all users. As a consequence, the proposed development fails to accord with Policy D5 of the District Plan 2005, Policies SP4 and SADM3 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2019.
7. As no S106 has been submitted as part of this application which addresses the concerns raised by Herts Ecology it is considered that in accordance with their advice the current proposal is unacceptable in ecological terms. Accordingly the proposed development is contrary to Policy R11 of the District Plan: Policy SADM16 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
PL02		Existing Site Layout	7 June 2019
PL03		Proposed Site Plan	7 June 2019
PL01		Street Scenes Background	7 June 2019
PL05		Perspective 1 Coloured	7 June 2019
PL06		3d Model Coloured	7 June 2019
PL110		Plots 1 2 Floor Plans	7 June 2019
PL11		Plots 1 2 Elevations	7 June 2019
PL12		Plots 3 4 And 6 7 Floor Plans	7 June 2019

PL13	Plots 3 4 And 6 7 Elevations	7 June 2019
PL14	Plot 5 Floor Plans	7 June 2019
PL15	Plot 5 Elevations	7 June 2019
PL16	Floor Plans	7 June 2019
PL17	Plots 8 11 Elevations	7 June 2019
PL18	Plots 12 13 And 22 23 Floor Plans	7 June 2019
PL19	Plots 12 13 And 22 23 Elevations	7 June 2019
PL20	PI20 Plots 14 21 Floor Plans	7 June 2019
PL21	Plots 14 21 Elevations	7 June 2019
PL22	Plots 24 26 Floor Plans	7 June 2019
PL23	Plots 24 26 Elevations	7 June 2019
PL01	Location Plan	7 June 2019
LP/LEFWC A NH/020	Land To The East Of Firs Wood Close Landscape Master Plan	7 June 2019

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).



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.
- 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.

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.
- 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.