

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 Cox
224a High Street
Barnet
EN5 5SZ

Application No: 6/2016/1778/FULL

Date of Refusal: 3 March 2017

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

Development: Erection of replacement building containing 5 flats with forecourt parking following demolition of existing house

At Location: 11 Brookmans Avenue, Brookmans Park, Hatfield, AL9 7QH

Applicant: Mr & Mrs S Morris

Application Date: 13 September 2016

1. With regards to the decision of the Planning Inspectorate (APP/C1950/#W/15/3128952) the increase in the number of flats from the permitted 3 to 5 represents over development of the site. Insufficient parking would be provided in an area where there is a high parking demand. The proposal fails to respect and relate to the character and context of the locality and would have a material and harmful effect contrary to saved Policies GBSP2 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
419814/6		Existing Site Plan & Street Scene	31 August 2016
419814/7		Proposed Plans, Section & Elevations	31 August 2016
419814/8	A	Proposed Site Plan & Street Scene	20 October 2016
1		Location Plan	31 August 2016
419814/9		Existing Plans & Elevations	13 September 2016
419814/10		Proposed Site Plan	20 October 2016
		Bat Mitigation Plan (Ecology Report) - 11 Brookmans Avenue	29 December 2016

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.

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.

- 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.