

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 N Rainford
19-21 Holywell Hill
St Albans
AL1 1EZ

Application No: 6/2018/0825/MAJ

Date of Refusal: 17 July 2018

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

Development: Construction of new build of 22 x 2 bedroom and 2 x 3 bedroom residential apartments with balconies and roof garden, layout of 26 car parking spaces, cycle parking, refuse store, internal access routes, landscaping and supporting infrastructure

At Location: 37 Broadwater Road Welwyn Garden City AL7 3AX

Applicant: Mr S Kansagra

Application Date: 20 April 2018

1. The application makes no provision of any kind for affordable housing on the site, or for any contribution towards affordable housing of an equivalent level of provision off site. The proposal would not therefore help create a sustainable, inclusive and mixed community as required by the National Planning Policy Framework and does not represent a sustainable form of development and it would conflict with Policy SP7 of the Draft Local Plan Proposed Submission 2016 which now, because of its advanced status carries significant weight in the determination of applications.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
203	A	Proposed Site Plan	20 April 2018
202	A	Proposed Elevations	20 April 2018
201	A	Proposed Plans, Second & Third Floor	20 April 2018
200	A	Proposed Plans, Ground & First Floor	20 April 2018
204		Proposed Location Plan	28 March 2018
205		Proposed Bike Shed	3 April 2018
206		Proposed Bin Shed	3 April 2018
312.AS.02		Existing Elevations	4 April 2018
312.AS.03		Existing Site Plan	4 April 2018
312.AS.01		Existing Ground & First Floor Plans	4 April 2018

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).

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.
- 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.