

Notice of Decision
Town and Country Planning Act 1990
Town and Country Planning (Development
Management Procedure) (England) Order 2015
Refusal of Permission

Mr Tal Nikan
Woods Hardwick Ltd
15 - 17 Goldington Road
Bedford
MK40 3NH

Application No: 6/2020/2248/OUTLINE

Date of Refusal: 2 December 2020

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

Development: Outline permission for the erection of up to 100 dwellings, with all matters reserved except access

At Location: Roundhouse Farm, Land Off of Bullens Green Lane, Colney Heath

Applicant: Canton Ltd

Application Date: 2 September 2020

Refused Plans and Details: -

1. The location of the development is unsuitable for the proposed development as it would fail to provide satisfactory access to services and facilities by means other than the private motor car and fail to demonstrate that the capacity of existing and potential infrastructure would absorb a development of this scale. Consequently, the proposal would conflict with Policies SD1, GBSP2, H2 and R1 of the Welwyn Hatfield District Plan 2005; Policy SADM1 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
2. The proposal would represent inappropriate development in the Green Belt. It would also result in a material loss of Green Belt openness and conflict with two purposes of including land in the Green Belt as it would fail to assist the countryside from encroachment and fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Very special circumstances do not exist to clearly outweigh this harm. Consequently, the proposal would conflict with Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
3. The application has failed to demonstrate that the proposal would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. In addition, the application has failed to demonstrate that it would allow for the efficient delivery of goods, and access by service and emergency vehicles. The proposal also fails to demonstrate that priority is given first to pedestrian movements and that access to public transport is appropriately facilitated. Consequently, the proposed development

would conflict with Policies M1, M5 and M9 of the Welwyn Hatfield District Plan 2005; Policies SP4, SADM2 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

4. The proposed development would severely detract from the character of the site and its area. It would urbanise the site and the character of the area, be a visually intrusive development within open countryside and fail to converse local landscape character. Consequently, the proposal would conflict with Policies D1, D2, RA10 and RA11 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.
5. The development would cause 'less than substantial' harm to the significance of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm. The proposal would represent a poor standard of design in conflict with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore conflict with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms impact of the proposal on the historic environment cannot be made and, consequently, the proposal would fail to accord with Policy R29 of the Welwyn Hatfield District Plan, Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
8. The applicant has failed to satisfy the sustainability aims of the 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 contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies IM2, H2 and H7 of the Welwyn Hatfield District Plan 2005; Policies SADM1, SP7 and SP13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

9.

Plan Number	Revision Number	Details	Received Date
17981-1002		Location Plan	2 September 2020
17981-1003		District Boundary Line Plan	2 September 2020
18770-FELL-5-500	A	Site Access	1 December 2020
17981/1004		Proposed Parameters Schematic Plan	2 September 2020
17981/1005		Illustrative Site Plan	2 September 2020
17981-7-855		Topographic Survey Overall Plan	2 September 2020
17981-7-851		Topographic Survey 1	16 September 2020
17981-7-852		Topographic Survey 2	16 September 2020
17981-7-853		Topographic Survey 3	16 September 2020
17981-7-854		Topographic Survey 4	16 September 2020

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.
- 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 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;
- 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 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.

- 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.