

## TOWN AND COUNTRY PLANNING ACT 1990

### AGENT

Steven Kosky  
Turley  
8 Quay Court  
Stow-cum-Quay  
Cambridgeshire  
CB25 9AU

### APPLICANT

Tarmac Ltd  
C/o Agent

### PLANNING REFUSAL

**Outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works**

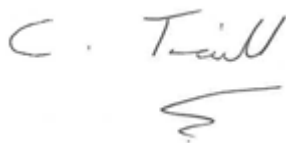
**Land to rear of 96 To 106 High Street Colney Heath Hertfordshire**

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **refuse** the development proposed by you in your application dated 28/02/2022 and received with sufficient particulars on 08/03/2022 and shown on the plan(s) below for the following reasons:-

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character, the adjacent Grade II listed building, loss of high quality agricultural land, and the impacts on social and physical infrastructure. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021 and Policy 1 of the St Albans District Local Plan Review 1994.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Education provision in the form of new primary school, secondary school, nursery and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Highway Works including provision for Sustainable Transport; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Signed



**Christine Traill**  
**Strategic Director – Community and Place Delivery**  
**St Albans City & District Council**

**Dated 25/05/2023**

**INFORMATIVES:**

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraphs 39-46 of the NPPF. The applicant did not engage in preapplication discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District. 2.

This determination was based on the following drawings and information: 1001 Revision B, RSE\_5500\_TTP Rev V1 (Tree Protection Plan), RSE\_5500TCP Rev V1 (Tree Constraints Plan), RSE\_5500\_BIA Rev V2 (BIA Baseline), RSE\_5500\_BIA (BIA Proposals), Design and Access Statement (February 2022), Planning Statement (February 2022), Transport Assessment (16 February 2022), Transport Note (9 August 2022), Travel Plan Statement (16 February 2022), Air Quality Statement (14 February 2022), Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (January 2022), Ecological Impact Assessment (January 2022), Flood Risk Assessment and Drainage Strategy (27 Jan 2022), Phase I Desk Study Report (27 Jan 2022), Heritage Statement (January 2022), Landscape and Visual Impact Appraisal and Green Belt Appraisal (January 2022), Statement of Community Involvement (January 2022), UCML Utility Study Issue 2 (21/02/2022), Agricultural Quality of Land at Colney Heath Report (26 May 2022).

### **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.

This is a decision to refuse planning permission for a Full planning permission. 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.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

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 <https://www.gov.uk/appeal-planning-decision>

The Secretary of State may allow a longer period for the giving of 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 the development order and to any directions given under a development order.

#### **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.