

## TOWN AND COUNTRY PLANNING ACT 1990

### AGENT

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

### APPLICANT

Vistry Homes Ltd  
C/o Agent

## PLANNING REFUSAL

**Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works**

**Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road Colney Heath St Albans Hertfordshire**

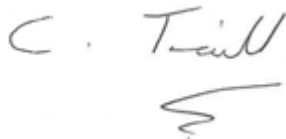
In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **refuse** the development proposed by you in your application dated 05/08/2022 and received with sufficient particulars on 23/08/2022 and shown on 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 and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). 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 Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

**THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.**

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 pre-application 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.

This determination was based on the following drawings and information: Site Location Plan (CSA/3925/109 Rev E), Parameters Plan (CSA/3925/120 Rev G), Proposed Access Layout (JNY11289-RPS-0100-001 Rev A), Concept Masterplan (CSA/3925/117 Rev F), Illustrative Masterplan (3925/118 Rev D), Illustrative Landscape Cross Sections (CSA/3925/123 Rev A), Photosheets (CSA/3925/121 Rev E), View from North Mymms House (CSA/3925/124), Air Quality Assessment, Arboricultural Impact Assessment, Arboricultural Survey Report, Archaeology and Heritage Assessment, Design and Access Statement, Ecological Impact Assessment, Existing Elevations and Floor Plans, Existing Features, Flood Risk Assessment, Landscape and Visual Impact Assessment, Noise Assessment, Opportunity and Constraint Plan, Planning Statement, Statement of Community Involvement, Utilities Assessment, Response to Resident Objection, dated 16 and 17 January 2023 (planning application reference 5/2022/1988) (note number TN001), Applicant Response to HCC Highways Comments (Report Reference: JNY11289-06), Letter from Stantec addressing EA, Affinity Water and Thames Water comments (dated 10 November 2022), Health Impact Assessment, Heritage Setting Addendum, Letter from CSA Environmental in response to HCC Ecology comments (dated 16 December 2022), Minerals Assessment Desk Study, Transport Assessment (dated 11 November 2022), and Framework Residential Travel Plan.

### **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.