

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Town Planning Services
The Exchange
Colworth Park
Sharnbrook
MK44 1LZ
United Kingdom

Applicant:

Mr Tofik Miah

PARTICULARS OF DEVELOPMENT

Application: 25/01461/FP

Proposal: Change of Use of Public House with extended food provision (Sui Generis) to Function Venue (Sui Generis) and retrospective application for the removal of existing timber pergola and erection of an aluminium pergola with glazed panels.

Location: The Barn, Stony Lane, Tea Green, Luton, Hertfordshire, LU2 8PS

Plan Nos: Location Plan FP25978-01 FP25978-02 FP25978-03
FP25978-04 FP25978-05 FP25978-20 FP25978-21

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 4 June 2025.

1. The pergola is inappropriate development in the Green Belt by definition and causes further harm through loss of openness. The development does not comply with Policy SP5 of the Local Plan and Section 13 of the NPPF.

2. The proposal would result in the loss of a public house usage at the site and the consequent loss of a valued community facility contrary to the provisions of paragraph 98 of the National Planning Policy Framework (2024) and Policy ETC7 of the North Herts Local Plan 2011 - 2031.
3. The proposed Function Venue use is considered to be of a size, scale, intensity and impacts that would not complement the function and character of the area the site is located within, and would be out of character with the small rural settlement of Tea Green. The proposal does not comply with Policies ETC7 and D1 of the Local Plan, and Section 12 of the NPPF.
4. The proposal by reason of impacts from noise, traffic and other means of disturbance is considered harmful to residential amenity. The proposal does not comply with Policy D3 of the Local Plan.
5. The proposed development is not considered to have sufficient parking provision for the size of the venue, and the parking arrangements are not considered to be of an acceptable design and layout. The proposal does not comply with Policy T2 of the Local Plan.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 22 July 2025

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>.

NOTES

- 1 If you are aggrieved by the decision of your local planning authority (LPA) 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 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 the time limit is 28 days from the date of the LPA decision or 28 days from the date the enforcement notice was served.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>
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 he 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 him 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 him.

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.](#)

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 he 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

