



**North
Herts
Council**

Correspondence address:

PO Box 10613, Nottingham, NG6 6DW

Telephone: 01462 474000

**Application for Removal or Variation of a Condition following Grant of Planning Permission or
Listed Building Consent**

**Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation
Areas Act) 1990 (as amended)**

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	Southview
Address Line 1	Pottersheath Road
Address Line 2	
Address Line 3	Hertfordshire
Town/city	Welwyn
Postcode	AL6 9SY

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
523875	218471

Description

Applicant Details

Name/Company

Title

Mrs

First name

Mrinalini

Surname

Rajaratnam

Company Name

Address

Address line 1

Southview

Address line 2

Potterheath Road

Address line 3

Welwyn

Town/City

Hertfordshire

County

Country

United Kingdom

Postcode

AL6 9SY

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Replacement dwelling following demolition of existing dwelling, amendment of planning permission 09/02154/1 granted 15th January 2010.

Reference number

10/00693/1

Date of decision (date must be pre-application submission)

09/06/2010

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 3

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

01/02/2011

Has the development been completed?

☒ Yes

☐ No

If Yes, please state when the development was completed (date must be pre-application submission)

01/12/2012

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

We ask that condition 3 be removed as it is not in accordance with paragraph 55 of the NPPF or the Planning Practice Guidance.

The planning appeal decision APP/P1940/W/21/3275230 dated 4 April 2022 relating to a Three Rivers District Council application ("the Appeal") confirmed that a condition restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. There have been other appeal cases, in other areas, where Inspectors have come to the same conclusion.

Schedule 2, Part 1 of the GPDO sets out the PD rights for development within the curtilage of a dwellinghouse. These rights apply generally to all dwellinghouses, with specific exceptions for some classes. Rights under Class A, for example, do not apply on Article 2(3) land which is defined as land within a conservation area, an area of outstanding natural beauty, a National Park, and a World Heritage Site.

Article 2(3) does not include land falling within the Green Belt.

The Inspector determining the Appeal noted the fact that Article 2(3) does not remove PD rights for land in the Green Belt means that the Government's fundamental Green Belt aims of preventing urban sprawl by keeping land permanently open do not extend to preventing permitted development within a domestic curtilage.

Southview, the application site, is similar to the 'appeal site' which comprised a detached dwelling along Stag Lane. Southview is a detached house along Pottersheath Road on a substantial plot. As with the appeal site, this part of the lane is characterised by a variety of detached dwellings in a range of designs and sizes, sited on large spacious plots.

The majority of existing dwellings across the Green Belt retain and may exercise PD rights without reference to the effect on the openness of the Green Belt, even if they have been subject to previous extensions. Therefore, we now have very limited PD rights.

We only wish to utilise the PD right to extend from the western elevation, within the permitted limits, to add a room for a live-in carer for my elderly mother who is unwell. The live-in carer's room needs to be adjacent to my mother's room. She can no longer live on her own. We have tried a care home and it has not suited her.

We hope this application will be considered with compassion and look forward to an early response so that we can move her permanently to our home.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We ask that Condition 3 be removed.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☒ The Applicant
☐ The Agent

Title

Mr and Mrs

First Name

Mrinalini and Muralidharan

Surname

Rajaratnam

Declaration Date

01/01/2025

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Mrinalini Rajaratnam

Date

01/01/2025