NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 2015

DECISION NOTICE

Correspondence Address:
Mr Lee Butler MRICS
The Old Coach House
3 Villa Gardens
High St
Flitwick
Beds
MK45 1DS

Applicant:
Gill Hudson Homes Ltd

PARTICULARS OF DEVELOPMENT

Application:	18/00816/OP
Proposal:	Outline application for erection of one dwelling including double garage and double garage for use of existing dwelling (all matters reserved)
Location:	Ralphs Farm, West Street, Lilley, Luton, Hertfordshire, LU2 8LH

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 20 March 2018.

1. The application site is within an area that is designated in North Hertfordshire District Local Plan No 2 with Alterations as Green Belt. Within that area there is a general presumption against inappropriate development such as the proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal does not involve previously developed land and the nature of the proposal and the circumstances of the application do not justify that strong presumption being overridden. The development of the site would

harm the openness of the Green Belt and its purpose in assisting in safeguarding the countryside from encroachment and is therefore contrary to Policy 2 of North Hertfordshire District Local Plan No. 2 with Alterations and Section 9 of the National Planning Policy Framework. In addition the Local Planning Authority does not consider that the site lies within the built core of a settlement and that the proposal, therefore, does not comply with the requirements of Policy 3 - Settlements within the Green Belt, of North Hertfordshire District Local Plan No.2 with Alterations or Policy SP2 - Settlement Hierarchy of Submitted Local Plan 2011 - 2031.

2. The proposed development of this land for a new dwelling would consolidate development in an area of loosely knit development and, in addition to this, would result in the loss of a section of frontage boundary wall, both of which are part of the scenic character of this part of the Area of Outstanding Natural Beauty. The proposal would, therefore, be contrary to the National Planning Policy Framework, Sections 7- Requiring good design and Section 11 - Conserving and enhancing the natural environment; North Hertfordshire District Local Plan No. 2 with Alterations, Policy 11 - Chilterns AONB; Submitted Local Plan 2011 - 2031, Policy NE3 - The Chilterns Area of Outstanding Natural Beauty. Policy D1 - Sustainable design; and the Chilterns Building Design Guide.

3. The position of the application site in relation to the existing Ralphs Farmhouse would, due to the presence of first floor windows in the existing north elevation, fail to provide adequate levels of privacy, to the detriment of the living conditions of any future occupiers. As such the development would be contrary to the National Planning Policy Framework, paragraph 17, North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 - Residential guidelines and standards; and the Submitted Local Plan 2011 - 2031, Policy D3 - Protecting living conditions.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road

Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager
Date: 30 April 2018

NOTES

1 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.

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 must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals
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.

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.