# NORTH HERTFORDSHIRE DISTRICT COUNCIL

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

## DECISION NOTICE

**Correspondence Address:**
Templars Building Surveyors Ltd.
7 Coach House Cloisters
10 Hitchin Street
Baldock
SG7 6AE

**Applicant:**
Mr Tim Franklin

**PARTICULARS OF DEVELOPMENT**

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| **Application:** | 18/00709/FP |
| **Proposal:** | Change of use of land from Car Boot Sale to Crazy Golf Course |
| **Location:** | Graveley Hall Farm, Church Lane, Graveley, Hitchin, Hertfordshire, SG4 7LY |
| **Refused Plan Nos:** | Location plan; T-4955-01 |

**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 27 March 2018.

1. The application site is located within an area designated in the North Hertfordshire District Local Plan no. 2 with Alterations proposals map as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. Although the proposal would constitute the provision of appropriate facilities for outdoor recreation, in the opinion of the Local Planning Authority it would not be an exception to Green Belt policy as it would not preserve the openness of the Green Belt, it would therefore be inappropriate development within the Green Belt. The development would cause harm to the purposes of the Green Belt as defined in paragraph 134 of the

National Planning Policy Framework (NPPF), specifically to safeguarding the countryside from encroachment. No special circumstances have been demonstrated to outweigh the substantial weight that should be given to any harm to the Green Belt that is required under paragraph 144 of the NPPF. Furthermore, due to a kiosk building and the appearance of a crazy golf course and a display feature, demonstrable harm would be caused to the openness of the Green Belt. The proposal, therefore, conflicts with saved Policy 2 'Green Belt' of the North Hertfordshire District Local Plan no. 2 with Alterations, Section 13 'Protecting Green Belt Land of the NPPF and Policy SP5 'Countryside and Green Belt' of the submitted Local Plan 2011 - 2013.

**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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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Signed:



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

Simon Ellis
Development & Conservation Manager
**Date:** 30 August 2018

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 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.