NORTH HERTFORDSHIRE DISTRICT COUNCIL

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

DECISION NOTICE

Correspondence Address:
Mr M Easton
21 Shrubbery Grove
Royston
SG8 9LJ
United Kingdom

Applicant:
Mr Tim Harley

PARTICULARS OF DEVELOPMENT

Application:	18/01388/FP
Proposal:	Retention of existing timber shed (containing a disabled persons earth toilet) and associated timber fence enclosure.
Location:	St Marys Church, Church Road, Kings Walden, Hertfordshire,
Refused plan nos:	Location plan; floor plan; shed elevations;

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 2 July 2018.

1. A clear and convincing justification has not been provided (i.e. consideration of alternative locations/designs/materials), and there is not considered to be any public benefit to the proposal and thus, this proposal fails to satisfy the aims of paragraph 194 of the Revised National Planning Policy Framework.

2. The height and materials used in the construction of the vertical boarded and concrete post enclosure when also considered alongside the 'shed' with its felt roof and containing the earth toilet, the appearance of these structures and importantly, their position immediately on the north side of the 'massive west tower', will result in these structures being located in a highly prominent position when approaching the church from the lych-gate to the north. As such, these

structures are considered to have an adverse impact upon the setting of this Grade I listed building, thereby, occasioning harm to its significance. The proposal will, therefore, fail to satisfy Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF.

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: 20 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.