



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 Cotton
Parndon Mill
Harlow
CM20 2HP

Applicant:

Mr Richard Newman

PARTICULARS OF DEVELOPMENT

Application: 19/00341/FP

Proposal: Sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse. Creation of new car parking for public house. Erection of a 1.8m high close boarded timber fence on the line of the rear shared boundary between the retained Public House and the new dwelling. (Amended description only).

Location: The Cabinet, High Street, Reed, Royston, Hertfordshire, SG8 8AH

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 13 February 2019.

1. The application does not set out that a public house of this reduced size, with no commercial kitchen to allow the sale of food items, no residential accommodation to allow a manager or tenant to live at the business and without access to a reasonable sized car parking area for customers, would be able to trade successfully and could operate as a viable business. As a result, the viability of the public house in the medium to long term has to be questioned, contrary to paragraph 92(c) of the NPPF which seeks to guard against the unnecessary loss of valued local facilities.

2. Objection to the location of a new car park in principle on the north side of the building due to the less than substantial harm this would have on the setting of the listed building, contrary to paragraph 196 of the NPPF.
3. The full details and justification of the car park in terms of surface and boundary treatment are lacking, and therefore the full impact of these works on the setting of the listed building and character and appearance of the Conservation Area cannot be fully assessed. This is contrary to emerging policy HE1 of the Local Plan 2011 - 2031.
4. The close proximity of a single residential dwellinghouse to a public house when they are not in association with each other, is likely to lead to friction and conflict between these two uses from the late night noise and activity associated with a public house use on the residential amenities of the single dwellinghouse, contrary to emerging policy D3 of the Local Plan 2011 - 2031.
5. The application is lacking in full details with regards to waste storage for the proposed reduced public house area. The waste storage could result in blocking access or parking spaces or spilling out into the lane, resulting in less than substantial harm to both the character and appearance of the lane and Conservation Area and on the setting of the listed building, contrary to paragraph 196 of the NPPF and contrary to the provisions of emerging policy D1 of the Local Plan 2011 - 2031.

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.

Informative/s:

Planning permission for the front driveway next to the pond is required.

Signed:



Development Management
North Hertfordshire District Council
Council Offices

Simon Ellis
Development & Conservation Manager
Date: 3 April 2019

Gernon Road
Letchworth
Herts
SG6 3JF

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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.

