



Application Ref: 3/24/0085/FUL

Mr C Hennem
The Planning Consultancy Ltd
The Studio
2 Bradbury Farm Barns
BUNTIINGFORD
HERTS
SG9 0DX

Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

Construction of new residential dwelling with associated landscaping and access Woodland At Thorley Lane East Bishops Stortford Hertfordshire

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

Refuse Planning Permission

For the development proposed in your application received 16th January 2024 and registered on 26th February 2024 and shown on the submitted plans.

The reason(s) for the Council's decision to refuse permission for the development is/are:

1. The proposed development constitutes inappropriate development in the Metropolitan Green Belt and other harm is identified in respect of loss of openness and encroachment into the countryside. Other considerations have not been identified that would clearly outweigh the harm by reason of inappropriateness, and the harm to openness and the green belt and the countryside. The proposal would therefore be contrary to Policy GBR1, CFLR2 and DES4 of the East Herts District Plan 2018; the National Planning Policy Framework; and Policies GIP2, HDP2 and HDP3 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley (First Revision).
2. The proposed development, by reason of its siting, layout and design would introduce an urbanising form of development which would encroach into the countryside and erode the rural qualities of the site. The proposed development would be visually intrusive, out of keeping with the natural character of the woodland and the appearance of the area generally. The development would therefore be harmful to the character and appearance of the site and surrounding area. The proposal would thereby be contrary to Policies DES4 of the East Herts District Plan 2018 and Policies HDP2 and HDP3 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley (First Revision).
3. The application lacks sufficient information regarding the issue of the impact of the proposed development on the ecology, biodiversity and protected species on the site to enable the local planning authority to properly consider the planning merits of the application and determine whether a net gain in biodiversity can be achieved. The application also lacks sufficient information with regards to the impact of the proposed

development on trees protected by a woodland Tree Preservation Order, furthermore the proposal is likely to result in pressure to remove or prune trees in order to prevent overshadowing and improve living condition for future occupiers. The proposal would therefore be contrary to Policies DES3, NE2 and NE3 of the East Herts District Plan and Policy GIP4 and GIP5 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley (First Revision).

4. The siting of the proposed dwelling in relation to the surrounding trees is likely to result in the future occupiers of the development experiencing unacceptable levels of overshadowing and restricted access to natural light within the dwelling and in the private outside amenity spaces. These restricted levels of natural light and overshadowing would result in poor quality living conditions for the future occupiers. Accordingly the proposed development would fail to accord with Policy DES4 of the East Herts District Plan 2018.

Informatives:

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner and whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to accord with the Development Plan.

This Decision Relates to Plan Numbers:

Plan Ref	Version	Received
421X03		19th February 2024
421X05		19th February 2024
HW01		19th February 2024
421X01 421X02		26th April 2024
421X04		26th April 2024

Dated: 2nd May 2024

On Behalf Of Development Management

Signed: 

Head of Planning and Building Control

SEE ATTACHED NOTES

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

Appeals to the Secretary of State

- 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 this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against any other local planning authority's decision then you must do so within 6 months of the date of this notice.*
- If you are requesting an Inquiry you need to give the local planning authority and the planning Inspector (inquiryappeals@planninginspectorate.gov.uk) 10 days notice before you submit your appeal.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Appeals under the Control of Advertisement Regulations

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
 - (a) The application forms
 - (b) All relevant plans and particulars
 - (c) This notice of decision
 - (d) All other relevant correspondence with the Authority

The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority, and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

Purchase Notices

- If either the Local Planning Authority or the First 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 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.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.