



**Town and Country Planning Act 1990 (as amended)**

**DECISION NOTICE**

**HCC Application No: 6/0623-06 (CM851) Other ref no: 560.1**

**Description & location of development:**

**APPLICATION FOR THE INSTALLATION OF A MATERIALS RECYCLING FACILITY (MRF), ERECTION OF A 3 METRE HIGH ACOUSTIC FENCE, PROPOSED USE OF GREEN WASTE FACILITY ON PUBLIC HOLIDAYS AND RETENTION OF PANELS ERECTED AROUND THE GREEN WASTE FACILITY AT CHAS STORER LTD, COOPERS LANE, NORTHAW, HERTS**

**To: Prospect Planning, 121 Queen's Road, Hertford, Herts**

**In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby REFUSES the application 6/0623-06 (received with sufficient particulars including plan no. CS/001/06/A on 18 April 2006) for the reasons numbered 1 -3 detailed in the attached schedule.**

**Dated: ..... day of ..... 2006 Signed: .....**

**DEVELOPMENT CONTROL MANAGER**

## **TOWN AND COUNTRY PLANNING ACT 1990**

Appeals to the Department for Communities and Local Government.

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 Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Customer Support Section, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the Planning Inspectorate's website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

The Department for Communities and Local Government 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 Department for Communities and Local Government 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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Department for Communities and Local Government does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Department for Communities and Local Government 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 can he 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 Department for Communities and Local Government on appeal or on reference of the application to her.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

**SCHEDULE OF REASONS FOR REFUSAL NUMBERED 1 -3 ATTACHED TO REFUSAL OF PLANNING APPLICATION NO. 6/0623-06 APPLICATION FOR THE INSTALLATION OF A MATERIALS RECYCLING FACILITY (MRF), ERECTION OF A 3 METRE HIGH ACOUSTIC FENCE, PROPOSED USE OF GREEN WASTE FACILITY ON PUBLIC HOLIDAYS AND RETENTION OF PANELS ERECTED AROUND THE GREEN WASTE FACILITY AT CHAS STORER LTD, COOPERS LANE, NORTHAW, HERTS**

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- 1. The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated that would override harm and harm to the Green Belt. The proposed development is therefore contrary to advice set out in PPG2 Green Belts; Hertfordshire Structure Plan Policy 5 Green Belt, Welwyn Hatfield Local Plan Policy RA1 Development in the Green Belt and Hertsmere Local Plan Policy C4 Development Criteria in Metropolitan Green Belt.**
- 2. The proposal would result in an adverse effect on the residential amenity of local residents due to noise (from both within the site and from vehicle movements associated with the use outside the site) and litter and odour pollution in the local environment that cannot be satisfactorily controlled by conditions. The proposed development is therefore contrary to Hertfordshire Structure Plan Policy 57 Potentially Polluting Development and Location of Pollution Sensitive Development, Waste Local Plan Policies WP33 Landscape Intrusion, WP40 Noise and WP43 Traffic, Welwyn Hatfield Local Plan Policy D2 Character and Context and Policy R19 Noise and Vibration Pollution and Hertsmere Local Plan Policy D14 Noisy Development.**
- 3. The proposal would result in a significant and adverse impact on highway safety and residential amenity due to heavy goods vehicles coming to and from the site and the proposed development is therefore contrary to Hertfordshire Structure Plan Policy 1 Sustainable Development, Policy 29 Traffic on Rural Roads and Policy 55 Waste Management, Waste Local Plan Policy WP1 Sustainable Development and Policy WP43 Traffic, Welwyn Hatfield Local Plan Policy RA28 New Development using Rural Roads and Policy M2 Transport Assessments.**

**Dated: ..... day of ..... 2006 Signed: .....  
DEVELOPMENT CONTROL MANAGER**

**SCHEDULE OF REASONS FOR REFUSAL NUMBERED 1 -3 ATTACHED TO REFUSAL OF PLANNING APPLICATION NO. 6/0623-06 APPLICATION FOR THE INSTALLATION OF A MATERIALS RECYCLING FACILITY (MRF), ERECTION OF A 3 METRE HIGH ACOUSTIC FENCE, PROPOSED USE OF GREEN WASTE FACILITY ON PUBLIC HOLIDAYS AND RETENTION OF PANELS ERECTED AROUND THE GREEN WASTE FACILITY AT CHAS STORER LTD, COOPERS LANE, NORTHAW, HERTS**

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Footnote

This application has been determined having regard to the relevant policies of the Development Plan i.e.:

**Hertfordshire Structure Plan Review 1991-2011, adopted April 1998**

Policy 1 Sustainable Development  
Policy 5 Green Belt  
Policy 29 Traffic on rural roads  
Policy 55 Waste management  
Policy 57 Potentially polluting development and location of pollution sensitive development

**The Waste Local Plan 1995 - 2005, adopted January 1999**

WP1 Sustainable Development  
WP2 Need for Facilities  
WP12 Areas of search for permanent facilities for re-use, recovery, recycling and transfer of waste  
WP13 Criteria for Facilities Outside Areas of Search  
WP16 Permanent Facilities  
WP18 Safeguarded Sites  
WP33 Landscape Intrusion  
WP40 Noise  
WP43 Traffic

**Welwyn Hatfield Local Plan, adopted April 2005**

Policy GBSP1 Definition of the Green Belt  
Policy R19 Noise and Vibration Pollution  
Policy RA1 Development in the Green Belt  
Policy RA28 New Development using Rural Roads  
Policy M2 Transport Assessments  
Policy D2 Character and Context

**Hertsmere Local Plan, adopted May 2003**

Policy C4 Development Criteria in Metropolitan Green Belt  
Policy D14 Noisy Development

**Dated:** ..... day of ..... **2006 Signed:** .....  
**DEVELOPMENT CONTROL MANAGER**

