



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

HCC Application No: 7/0724-06 (CM878) Other ref no: 565.1

Description & location of development:

**APPLICATION FOR THE RECEPTION AND TREATMENT OF INERT
SOLID WASTES TO PRODUCE RECYCLED SOILS AND AGGREGATES
FOR REUSE BY THE CONSTRUCTION INDUSTRY AND ERECTION OF
WORKSHOP AND PORTACABIN AT COUNTY BROOK PLANTATION,
BULLS CROSS RIDE, WALTHAM CROSS,HERTS**

To: David Cooper, 23 Willow Road, Enfield, Middlesex EN1 3NG

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 7/0724-06 (received with sufficient particulars on 28 June 2006, including plan no.98/41/JH/6C dated 28 June 2005, plan numbered 06/059/01 dated September 2006 and plan numbered 06/059/02 dated September 2006) for the reasons numbered 1 -4 detailed in the attached schedule.

Dated: day of 2007 Signed:

HEAD OF COUNTY DEVELOPMENT UNIT

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 three months¹ 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

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.

¹ For planning applications submitted to the County Council before the 5 September 2003, there is a period of 6 months from the date of this notice in which to appeal.

SCHEDULE OF REASONS FOR REFUSAL NUMBERED 1 -4 ATTACHED TO REFUSAL OF PLANNING APPLICATION NO. 7/0724-06 APPLICATION FOR USE OF THE SITE FOR THE RECEPTION AND TREATMENT OF INERT SOLID WASTES TO PRODUCE RECYCLED SOILS AND AGGREGATES FOR REUSE BY THE CONSTRUCTION INDUSTRY AND ERECTION OF WORKSHOP AND PORTACABIN AT COUNTY BROOK PLANTATION, BULLS CROSS RIDE, WALTHAM CROSS, HERTS

- 1. The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated that would override harm by reason of inappropriateness and other 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, Broxbourne Local Plan policy GBC2 Development within the Green Belt and policy GBC6 Proposals for non-agricultural uses of Green Belt land.**
- 2. The proposal would result in an adverse effect on the local environment and 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.**
- 3. The proposal would result in a significant and adverse impact on highway safety and residential amenity due to numbers of heavy goods vehicles coming to and from the site. 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, Broxbourne Local Plan Policy T6 Rural Roads**

Dated: day of 2007 Signed:

HEAD OF COUNTY DEVELOPMENT UNIT

**SCHEDULE OF REASONS FOR REFUSAL NUMBERED 1 -4 ATTACHED
TO REFUSAL OF PLANNING APPLICATION NO. 7/0724-06
APPLICATION FOR USE OF THE SITE FOR THE RECEPTION AND
TREATMENT OF INERT SOLID WASTES TO PRODUCE RECYCLED
SOILS AND AGGREGATES FOR REUSE BY THE CONSTRUCTION
INDUSTRY AND ERECTION OF WORKSHOP AND PORTACABIN AT
COUNTY BROOK PLANTATION, BULLS CROSS RIDE, WALTHAM
CROSS, HERTS**

- 4. The proposal would conflict with Policies 1, 41 and 55 of the Hertfordshire Structure Plan Review due to adverse environmental effects on air, land and water together with loss of trees and the habitats they provide.**

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SCHEDULE OF REASONS FOR REFUSAL NUMBERED 1 -4 ATTACHED TO REFUSAL OF PLANNING APPLICATION NO. 7/0724-06 APPLICATION FOR USE OF THE SITE FOR THE RECEPTION AND TREATMENT OF INERT SOLID WASTES TO PRODUCE RECYCLED SOILS AND AGGREGATES FOR REUSE BY THE CONSTRUCTION INDUSTRY AND ERECTION OF WORKSHOP AND PORTACABIN AT COUNTY BROOK PLANTATION, BULLS CROSS RIDE, WALTHAM CROSS, HERTS

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

Broxbourne Borough Local Plan, adopted

- Policy GBC2 Development within the Green Belt
- Policy GBC6 Proposals for non-agricultural uses of Green Belt land

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