

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 28 July 2022
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

Appeal Decisions 06/06/2022 to 15/07/2022

6/2021/2514/MAJ	
DCLG No:	APP/C1950/W/22/3297335
Appeal By:	Mr & Mrs Ian Davis
Site:	Holwell Court Farm Holwell Court Hatfield AL9 5RL
Proposal:	Redevelopment of the existing farmyard and non-designated Heritage Assets to create 6 dwellings (2 x 3-bed, 2 x 4-bed and 2 x 5-bed) and an annexe/holiday let with associated parking, amenity space and biodiversity areas
Decision:	Appeal Withdrawn
Decision Date:	07/06/2022
Delegated or DMC Decision:	Delegated
Summary:	
6/2021/2816/HOUSE	
DCLG No:	3298242
Appeal By:	Ms Miranda Makowski
Site:	53 High Road Essendon Hatfield AL9 6HS
Proposal:	Extension of existing dropped curb
Decision:	Late Appeal turned away
Decision Date:	08/06/2022
Delegated or DMC Decision:	Delegated
Summary:	
6/2021/2467/FULL	
DCLG No:	APP/C1950/W/21/3285676
Appeal By:	Code 4 LTD
Site:	Land adjacent to 26 Starling Lane Cuffley Potters Bar EN6 4JX
Proposal:	Erection of a single storey workspace office/artist studio.
Decision:	Appeal Dismissed
Decision Date:	08/06/2022

Delegated or DMC Decision:	Delegated
Summary:	<p>The Appeal was dismissed.</p> <p>The appeal relates to a proposal for a single storey workspace office/artist studio at Land Adjacent to 26 Starling Lane. The application was refused on the basis that the proposed development would fail to provide any off-street parking for the unit resulting in harm to the safety and convenience of highway users as well as harming the character and appearance of the surrounding area.</p> <p>The appellant stated in his response that the proposal could be amended to provide a live-work unit and that the drawings could be amended as necessary. However, the Inspector highlighted that it was important that the scheme he considered was essentially that which had been considered by the Council and on which interested parties' views had been sought. In the interests of fairness, the Inspector considered the appeal on the basis that it was for an office/artist's studio.</p> <p>The main issues considered by the Inspector were:</p> <ul style="list-style-type: none"> • whether the site is in an appropriate location for employment development; and • whether the proposal would provide satisfactory access, parking and servicing arrangements. <p>Location for employment The site principally includes grassland and vegetation and features a few small outbuildings. The appellant described the site as disused garden land, but also contends that it is brownfield land. However, the NPPF excludes land in built-up areas, such as residential gardens, from the definition of brownfield land. Therefore, the site is not brownfield land</p> <p>Interested parties alleged that the proposal conflicts with District Plan Policy EMP8. The Inspector highlighted that firm and substantive evidence indicating that the site is or was last used for employment purposes, or that it is within an employment area or town centre as designated by the development plan were not provided. Therefore, the Inspector considered that it would be inappropriate for the proposal to be amended into a live-work unit during the appeal process. The Inspector therefore concluded that the proposal conflicts with Policy EMP8 and thus the site is an inappropriate location for employment development.</p> <p>Access, parking and servicing Based on the appellant's highway statement and his own observations, the Inspector was satisfied that the site is within walking and cycling distance of various services and facilities, including bus and rail services, and car parks near the centre of Cuffley. The Inspector was also satisfied with the results of the parking survey which indicated that there is little demand for on-street along Starling Lane. In addition, satisfactory access and parking facilities could be provided for cyclists.</p> <p>Notwithstanding the above, the Inspector noted that there was no specified end user for the development, and it was important that adequate access and parking arrangements are provided for disabled persons. The nearest appropriate places to park on-street would be in Starling Lane, set somewhat back from the footpath and the turning head so that access to the footpath would not be blocked and</p>

vehicles could turn uninhibited. However, the entrance to the proposed building would be a substantial distance from cars parked in such locations and thus the Inspector could not be sure that the development would be accessible for all who may wish or need to travel to it.

The Inspector concluded that the development would fail to provide adequate access and parking arrangements for disabled persons. It would conflict with Policy M14 and Chapter 9 of the Framework which, amongst other things, sets out that safe and suitable access should be achieved for all users and the needs of people with disabilities and reduced mobility should be addressed.

The proposal was found to be contrary to the development plan. There are no material considerations which outweigh the conflict with the development plan.