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**Application No:** 6/2017/0702/MAJ

**Date of Refusal:** 6 July 2017

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned Act, hereby REFUSE to permit:**

**Development:** Development of a battery storage facility with associated infrastructure.

**At Location:** Tollgate Farm Tollgate Road North Mymms AL4 0NY

**Applicant:** RNA Energy

**Application Date:** 6 April 2017

1. The scale and nature of the proposed development is harmful to the openness and visual amenity of the Green Belt, in both its physical and visual aspects, and conflicts with the purposes of including land within the Green Belt by encroaching into the countryside and failing to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal represents inappropriate development within the Green Belt. The applicants have failed to demonstrate that there are very special circumstances sufficient to outweigh such harm or that there are no technically feasible less harmful alternatives to the scheme proposed. The development therefore fails to comply with the objectives of Saved Policies GBSP1, GBSP2, D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2012.

#### REFUSED DRAWING NUMBERS

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
2066-01-02		Location Plan	6 April 2017
2066-01-03		Block Plan	6 April 2017
2066-01-04		Proposed Elevations	6 April 2017
2066-01-05		Proposed Elevations	6 April 2017

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Landscape Plan

16 May 2017

Location Plan

6 April 2017

## POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).



Colin Haigh  
**Head of Planning**

## Town and Country Planning 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, 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.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. 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.

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 the Secretary of State.

### 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 the owner 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 the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.