
Appeal Decision

Site visit made on 8 December 2025

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/C1950/W/25/3372793

**Heathfield Lodge, Great North Road, Little Heath, Potters Bar, Hertfordshire
EN6 1JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Cooper against Welwyn Hatfield Council.
 - The application ref is 6/2024/2427/FULL.
 - The development proposed is demolition of existing bungalow for the construction of a three storey block of 6 x 2 bedroom apartments with parking and landscaped gardens.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issues

2. The appeal results from the failure of the Council to determine the planning application within the relevant time period, and as such, there is no formal decision notice. The Council has confirmed in its appeal documentation that, had it been able to do so, it would have refused planning permission.
3. The main issues are:
 - the effect on the character and appearance of the area; and
 - whether the proposal would provide adequate refuse facilities.

Reasons

Character and appearance

4. The appeal site is set off Great North Road and comprises a single storey detached dwelling in a state of disrepair set in a fairly wide, shallow and overgrown plot. The immediate area has a verdant character and appearance achieved through the strong presence of hedgerow and trees lining both sides of the road. Residential development is also present within the area through flatted buildings set back from the road and smaller residential streets branching off Great North Road.
5. As you travel away from the appeal site, past the junction with Church Road and towards Potters Bar, development features more prominently within the streetscene and distinctly changes to individual residential properties arranged in a broadly linear pattern fronting towards the road.

6. The appeal proposal would introduce a three storey flatted building containing six apartments. It would be set against the rear boundary of the plot with a parking area and hardstanding situated to the side, and an internal path to the front.
7. The width and depth of the proposed development would take up a significant portion of the appeal site resulting in a building which would appear dominant within its plot. Furthermore, owing to the large footprint of the property along with the significant amount of hardstanding across the site, the soft landscaping would be limited to only a small shallow part of the site frontage. As such, the front boundary would be broadly open, exposing the large three storey building within the streetscene where such exposed built form would be seen as harmfully intrusive.
8. A range of developments and planning permissions have been brought to my attention which the appellant considers to be comparable to the appeal proposal. The majority of these are situated away from the direct streetscene context that the appeal proposal would be viewed from and are therefore not directly comparable to the appeal scheme in terms of the effect on the immediate character and appearance of the area.
9. The examples at Heathfield Close, Gresley Court and Claregate are set within closer proximity to the appeal site. However, in the case of Claregate, there is significant boundary vegetation fronting onto Great North Road meaning that it is not directly comparable to the appeal proposal. Furthermore, the development within Heathfield Close is situated behind the appeal site and therefore does not feature prominently within the same streetscene as the appeal proposal. In relation to Gresley Court, I observed that this block of flats was set fairly close to the boundary with Great North Road, with only a grass verge and limited planting. However, rather than providing justification for the development in question, its presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. As such, none of these examples convince me that the harm to the character and appearance of the area resulting from the appeal proposal is justified.
10. As such, the development would result in considerable harm to the character and appearance of the area. The proposal would therefore conflict with Policy SP 9 of the Welwyn Hatfield Borough Council Local Plan (2023) (LP). This policy, amongst other matters, seeks to ensure proposals are of a high quality design that responds to the character and context of the area.
11. The Council has referred to conflict with Policy SADM 11 in relation to this main issue. However, this policy relates to standards of accommodation and living conditions which is not directly relevant to this main issue.

Refuse

12. The proposed refuse storage area would be situated on the side of the plot and within the frontage of the appeal site. The store would be served by a shared footpath which would run in front of the proposed building.
13. The Council's evidence sets out that the drag distance of the bins from the store to the freighter should not exceed 15.0m and that the collection paths should be at least 2.0m in width. This has not been challenged by the appellant, and I see no reason to come to a different conclusion on the drag distance and path width.

14. In relation to the collection of the bins, refuse operators would be required to drag the bins the entire width of the plot, exceeding the maximum drag distance which would make accessing the bins inconvenient for waste operators.
15. Furthermore, the internal path is shown as being considerably narrower than the 2.0m requirement. The Council has provided unchallenged width measurements of 1.2m, narrowing to just 1.0m between the front wall and bicycle store. I see no reason to disagree with these figures. The narrow width of the path would make the removal of the bins awkward, whilst the physical bottleneck created by the wall and bicycle store represents a significant impediment to the functional and safe collection of the bins.
16. In these circumstances the evidence fails to demonstrate that adequate refuse facilities would be provided by the development. As a result, the appeal proposal would conflict with Policy SADM 12 of the LP. This policy, amongst other matters, requires that access to refuse storage areas should be appropriately designed to perform their role effectively without prejudicing or being prejudiced by other functions and users.

Other Matters

17. The appellant has raised concern regarding the Council giving inconsistent feedback and advice in relation to previous applications and pre-applications. However, this is a matter that lies outside the scope of my determination as it does not affect the planning merits of the proposal.

Planning Balance

18. The proposed development is not in accordance with the aforementioned policies of the LP, by virtue of the harm to the character and appearance of the area and inadequate refuse facilities.
19. However, the Council cannot demonstrate a five-year housing land supply, with the evidence showing a position of 2.3 years. The provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) are therefore engaged. Footnote 8 confirms in these circumstances, the policies which are most important for determining the application are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
20. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. Furthermore, paragraph 135a) seeks to ensure that development functions well over its lifetime, whilst 135b) sets out development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also safeguarding and improving the environment.
21. Policies SP 9 and SADM 12 are therefore consistent with the provisions of the Framework. As such, I apportion significant weight to the conflict with these policies. The proposal would conflict with the development plan as a whole and with the abovementioned parts of the Framework.

22. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would make use of a disused previously developed site within a sustainable area to provide a net gain of five dwellings, contributing towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. There would also be some additional benefits surrounding accessibility, sustainable construction methods, environmentally friendly and energy efficient features, along with a biodiversity net gain. However, given the small scale of the proposal, these benefits would, at most attract moderate positive weight in favour of the proposal.
23. The proposal may provide a suitable standard of living conditions for future occupiers, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my considerations.
24. The adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The presumption in favour of sustainable development would not apply.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed and planning permission be refused.

C Housden

INSPECTOR