



Hertsmere  
Borough Council

Civic Offices  
Elstree Way, Borehamwood  
Herts WD6 1WA  
Tel: 020 8207 2277  
DX45602 Borehamwood  
www.hertsmere.gov.uk

## Decision Notice

### Town and Country Planning Act 1990 Town and Country Planning (Applications) Regulations 1988

#### AGENT

Nick Leaney  
Aardvark EM Ltd  
Higher Ford  
Wiveliscombe  
Taunton  
TA4 2RL

#### APPLICANT

Mr Simon Wheeler  
Elstree Green Ltd  
Ropemaker Place  
28 Ropemaker Street  
London  
EC2Y 9HD

#### Application Number:

21/0050/FULEI

#### Location of Development:

Land North Of Butterfly Lane, Land Surrounding Hilfield Farm And Land West Of Hilfield Lane, Aldenham

#### Description of Development:

Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.

In pursuance of its powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **REFUSES Full Planning Permission** for the development proposed by you in your application received by us on 8 January 2021 as shown on the plan(s) accompanying the application.

#### THE REASON(S) FOR THE COUNCIL'S DECISION ARE:

##### Reason 1: Inappropriate development in the Green Belt

The proposal would be an inappropriate development that would be harmful to the openness of the Green Belt in which it would be located. The Council considers that the benefits that the scheme would bring are not such as would amount to very special circumstances sufficient to outweigh the harm to the Green Belt, even when the wider environmental benefits associated with the increased production of energy

from renewable sources have been taken into consideration (pursuant to paragraph 151 of the National Planning Policy Framework 2021). As such, the proposal would be contrary to paragraphs 147 and 148 of the National Planning Policy Framework and contrary to Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan (Site Allocations and Development Management Policies Plan) 2016.

**Reason 2: Harm to the significance of designated heritage assets**

The proposal would cause less than substantial harm to the significance of the following neighbouring designated heritage assets by reason of its impact on their settings: Slades Farmhouse (listed building, Grade II, entry 1103614), Hilfield Castle (listed building, Grade II star, entry 1103569), Hilfield Castle Lodge (listed building, Grade II, entry 1103570), Aldenham House Registered Park and Garden (Grade II, entry 1000902) and Penne's Place (Scheduled Monument entry 1013001). The public benefits of the development would not be sufficient to outweigh the less than substantial harm that would be caused to the significance of those designated heritage assets, and therefore the proposal is considered unacceptable, pursuant to Policy CS14 (Protection or Enhancement of Heritage Assets) of the Hertsmere Local Plan (Core Strategy) 2013 and pursuant to paragraph 202 of the National Planning Policy Framework 2021.

**INFORMATIVE**

01. Positive and creative engagement

In considering this application, the Council has acted in a positive and creative manner, in line with the requirements of the National Planning Policy Framework 2021 paragraph 38, and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. However, notwithstanding the planning officer's recommendation to the Planning Committee that the application be approved (subject to conditions and to a section 106 planning obligation), the Council has decided to refuse planning permission for the reasons that are set out on the Decision Notice. Further details of the way in which this application was considered by the planning officer and by members are to be found in the Committee Report and in the minutes of the Planning Committee's meeting of 11 November 2021, which are both published on the Council's website.

02. The plans, drawings and supporting documents that have been taken into account in the making of this decision are listed below:

**PLANS AND DRAWINGS:**

- Drawing HF1.0 revision v.b - Location Plan
- Drawing HF1.1 revision v.c - Location Plan 1 - Eastern Parcel
- Drawing HF1.2 revision v.c Location Plan - Western Parcel
- Drawing HF2.0 revision 19A - Proposed Site Plan
- Drawing HF2.2 revision v.a - Proposed Site Plan - Western Parcel
- Drawing HF3.0 revision 03 - PV Elevations
- Drawing HF4.0 revision 02 - Inverter Transformer Stations
- Drawing HF5.0 revision 02 - Internal Access Road Elevations
- Drawing HF6.0 revision 02 - Fence and Gate Elevations
- Drawing HF7.0 revision 02 - Weather Station Detail

Drawing HF8.0 revision 02 - Substation Elevations  
Drawing HF9.0 revision 02 - Control Room Elevations  
Drawing HF10.0 revision 02 - Auxiliary Transformer  
Drawing HF11.0 revision 02 - CCTV Elevations  
Drawing HF12.0 revision 02 - Battery Container Elevations 40ft  
Drawing HF13.0 revision 02 - Storage Container Elevations  
Drawing HF14.0 revision v.a - Field Topographical Data East  
Drawing HF15.0 revision v.a - Field Topographical Data West  
Drawing 7533-012 revision G - Landscape and Ecological Enhancement Plan

#### SUPPORTING DOCUMENTS:

Document ref. RO03, dated Dec 2020 - Planning Statement  
Document ref. RO04, dated Dec 2020 - Design and Access Statement  
Document ref. RO05, dated Dec 2020 - Construction Traffic Management Plan  
Document ref. RO06, dated Dec 2020 - Non-Technical Summary of the Environmental Statement  
Document ref. RO07, dated Dec 2020 - Environmental Statement  
Document ref. RO08, dated Dec 2020 - Environmental Statement Technical Appendices  
Document ref. RO09 version 1.9, dated April 2021 - Landscape and Ecological Management Plan  
Document ref. R010 issue 5, dated 16 April 2021 - Flood Risk Assessment  
Document ref. RO11, dated Dec 2020 - Noise Impact Assessment  
Document ref. RO12 (Pager Power's ref 10025C) issue 6 dated July 2021- Glint and Glare Assessment (note that a duplicate of this document RO12 was also submitted as an appendix to the Environmental Statement R008).  
Document ref. RO13, dated Dec 2020 - Ecological Appraisal  
Document ref. RO14, dated Dec 2020 - Statement of Community Involvement  
Document ref. RO15, dated Dec 2020 - Agricultural Land Classification (also an addendum in the form of a letter dated 28 April 2021 providing further information)  
Document ref. RO16, dated Dec 2020 - Ground Investigation Assessment  
Document ref. RO17, dated Dec 2020 - Archaeological Desk-based Assessment & Geophysical Survey Report (both dated Dec 2020) & Archaeological Evaluation (dated Jan 2021)  
Document ref. RO18, dated Dec 2020 - Landscape and Visual Impact Assessment  
Biodiversity net gain calculator  
Alternative Site Assessment Note, dated May 2021

### **NOTES TO APPLICANT**

#### **Community Infrastructure Levy (CIL) – Important Information**

Your development may be considered chargeable for the purposes of the Community Infrastructure Levy. Residential development, Hotels, Retail and Specialist accommodation for the elderly and/or disabled are all liable to be charged CIL.

The Council will issue a CIL Liability Notice and Demand Notice where CIL is liable. The notices will contain details of any financial sums owed, the collection process and details of relief that may be applicable.

## **IMPORTANT**

**You should be aware that a failure to submit a CIL Commencement Notice prior to beginning development on any site liable for CIL, will result in the full CIL amount having to be paid immediately. It is essential that any relief or exemption is applied for, and approved by the Council, using the relevant exemption or relief forms PRIOR to the commencement of development. Any exemption or relief lapses if works commence on the chargeable development prior to the Council's notification of its decision on the exemption or relief claim. Relief cannot be claimed on any retrospective applications.**

A person or party must assume liability to pay the levy using the Assumption of Liability form which should be submitted, unless it has already been submitted as part of the planning application, to the Planning Department at: [CIL@hertsmere.gov.uk](mailto:CIL@hertsmere.gov.uk) or Planning (CIL), Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA.

If nobody assumes liability to pay the Levy, this will default to the Land Owner.

Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to appeal and may also incur fines/surcharges.

For further information on how the Community Infrastructure Levy may impact your application, including any financial sum for which you may be liable, please contact the Council at this email address: [cil@hertsmere.gov.uk](mailto:cil@hertsmere.gov.uk) . You can also access the Council's CIL webpage at the following link:

<https://www.hertsmere.gov.uk/Planning--Building-Control/Infrastructure-and-Delivery/Community-Infrastructure-Levy-CIL.aspx>

## **Building Control**

If this proposal involves demolition of buildings, your attention is drawn to the need to serve notice under section 80 of the Building Act 1984 of intended demolition at least six weeks prior to demolition works commencing. It should be noted that, where asbestos may be present, a survey by a specialist company will be required to determine whether it is present. If asbestos is found the specialist company will be required to submit a method statement to the Health and Safety Executive with a copy to the Council's District Surveyor indicating how the asbestos is to be safely disposed of.

## **Right of Appeal**

If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990,

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. Unless the following notes are applicable:

- If this is a decision to refuse permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- 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, and you want to appeal against your local planning authority's decision, 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 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 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 of time 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 been 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the District Council a purchase notice requiring the Council to purchase its interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

Date Decision Notice Produced:

19 November 2021

Signed: Ross Whear

A handwritten signature in black ink, appearing to read 'R. Wh' with a long horizontal flourish extending to the right.

Designation: Head of Planning and  
Economic Development



Hertsmere  
Borough Council

Civic Offices  
Elstree Way, Borehamwood  
Herts WD6 1WA  
Tel: 020 8207 2277  
DX45602 Borehamwood  
www.hertsmere.gov.uk

## Planning and Economic Development

Mr Simon Wheeler  
Elstree Green Ltd  
Ropemaker Place  
28 Ropemaker Street  
London  
EC2Y 9HD

Your Ref:  
Our Ref: 21/0050/FULEI  
Contact: Max Sanders  
**Extension:** 0208 207 22 77 Ext 5187  
Email: max.sanders@hertsmere.gov.uk  
Fax:  
Date: 19 November 2021

Dear Mr Simon Wheeler

### **Town and Country Planning Act 1990 Town and Country Planning (Applications) Regulations 1988**

**Application Number: 21/0050/FULEI**

**Site Location: Land North Of Butterfly Lane, Land Surrounding Hilfield Farm And Land West Of Hilfield Lane, Aldenham, , ,**

**Site Description: Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.**

I would like to advise you that after consideration of all the relevant issues the council decided to Refuse Permission on 18 November 2021.

The Decision Notice detailing the conditions/reasons attached to this decision have been forwarded to your agent.

An appeal against the local planning authority decision can be lodged with the Secretary of State for Communities and Local Government under section 78 of the Town and Country Planning Act 1990, within 6 months of the date of the notice unless the following is applicable:-

- If this is a decision to refuse permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- 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, and you want to appeal against your local planning authority's decision, 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 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 of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or submitted online at <https://www.gov.uk/planning-inspectorate>.

Yours faithfully

**Max Sanders- Senior Planning Officer**