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	Ref.			Ack.			WFJ/DC/1768/1
	C.P.O.	T.C.F.M.	D.P.	D.C.	B.C.	Admin.	File
							T/APP/A1910/A/89/122887/P8
						Date	10 OCT 89
Received						12 OCT 1989	
Comments							

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS A D JOHNSON
APPLICATION NO:- 4/0023/89

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for a dwelling at Woodside, Chesham Road, Wigginton. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by the Wigginton Parish Council to the Council which have been forwarded to me. I inspected the site on 21 September 1989.
- The site for the proposed dwelling lies within the Metropolitan Green Belt where there is a strong presumption against new residential development save for the purposes of agriculture and other appropriate uses. It has long been national planning policy to protect the green belt from further residential development such policies having been included in the Hertfordshire Structure Plan, the Dacorum District Plan and restated in Planning Policy Guidance Note 2.
- The site is also within the Chilterns Area of Outstanding Natural Beauty wherein the prime consideration is the preservation of the beauty of the area with a severe restriction on new development.
- From my inspection of the site and surroundings and the representations made I consider that the principal issue in this case is whether or not there are any very special circumstances that would justify the erection of a dwelling on this site as an exception to the policy presumption against such development.
- You say that there are personal circumstances relating to this proposal which in any event you regard as infilling between 2 existing properties, screened from the surrounding countryside. An additional dwelling on this site you say would have no significant effect or be detrimental to the area and complies with the criteria as set out in the Dacorum District Plan as being a small gap within an otherwise built up frontage where permission should be granted.
- I saw on my visit to the area that this site is a considerable distance away from the identifiable village of Wigginton, and is located within a scatter of dwellings and other uses in otherwise open countryside. As such the policies regarding infill development do not apply, as they would within the village itself.

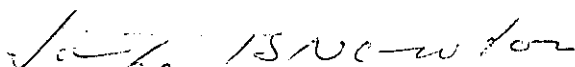


7. The proposal would involve the building of a new dwelling on a site where none exists at present and it is not required for an agricultural or similar demand: the proposal does not accord with the objective of severely restricting new dwellings in the green belt and in my view harm would be caused to the aims of the green belt, and the Chilterns Area of Outstanding Natural Beauty, by adding to the scatter of development within this rural area. The fact that a single house on this site would not be very noticeable is not by itself a good argument for permission since it could be repeated too often jeopardising the objective of safeguarding the countryside from further encroachment.

8. I have taken into account all the other matters raised in the representations including other planning decisions in the locality but I do not regard these to be important enough to outweigh the factors that have led me to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



JOHN B NEWTON FRICS
Inspector



TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs A D Johnson "Woodside" Chesham Road Wigginton nr Tring Herts

Wm F Johnson and Partners 39a High Street Hemel Hempstead Herts

One dwelling (Outline) at "Woodside", Chesham Road, Wigginton

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 13 December 1988 and received with sufficient particulars on 4 January 1989 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposal, which would intensify the sporadic development on this section of Chesham Road, is unacceptable in the terms of this policy.

Dated Sixteenth day of March 1989

Signed [Signature]

Chief Planning Officer

NOTE

1. 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 for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land 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, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.