D.C.4

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/0055/80

Other Ref. No. .....

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD .....

.....

To R. S. N. Chiew, Esq.,
95 Padungan Road,
Kuching,
Sarawak,
EAST MALAYSIA.

Messrs. Robert Crapnell & Associates,
8a Royal Parade,
Kew Gardens,
RICHMOND,
Surrey.
TW9.3QD.

110.Bedroom.Hotel.and.Restaurant.on.land
between Box Lane and Shothanger Way,
at Bovingdon.

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 3rd.December,.1979 and received with sufficient particulars on 10th.January,.1980 and shown on the plan(s) accompanying such application..

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

The site is within an area shown diagrammatically in the Approved County Structure Plan as Metropolitan Green Belt, the precise boundaries of which will be defined on the Dacorum District Plan. Policy 2 of the Structure Plan states that in the Green Belt permission will not be given unless for agricultural purposes, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The proposed development does not accord with any of these criteria and no exceptional circumstances are apparent.

Dated 7th. day of February, 19 80.

Signed.....

Designation Director of Technical Services.

26/20

SEE NOTES OVERLEAF

NOTE

(1) 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.

(2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.

(3) 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 District 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.

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1) Mr Randall DTS
2) TW
3) TEAM 1.
RETURN TO MR RANDALL FOR COMMITTEE

Departments of the Environment and Transport
Eastern Regional Office
Charles House 375 Kensington High Street London W14 8QH
Telephone 01-603 3444 ext 146

P B Casemore Esq LLB
Devon House
9/11 High Street
Thames Ditton
Surrey
KT7 OSD

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEALS BY MR R S N CHIEW
APPLICATION Nos. I 4/0055/80 II 4/0032/80

002405

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr P G Tyler OBE, who held a local inquiry into your client's appeals against the decisions of the Dacorum District Council to refuse planning permission for:

I. The erection of a 110 bedroom hotel and restaurant;

II. Residential development (23 detached 4 and 5 bedroom houses).

Both appeals relate to adjoining sites on land between Box Lane and Stoney Lane/ Shothanger Way, Bovingdon, Hertfordshire. A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"Bearing in mind the above facts I am of the opinion that the proposed development would be an undesirable intrusion into what remains of the green wedge between Hemel Hempstead and Bovingdon which is part of an Amenity Corridor in the Metropolitan Green Belt.

Although a large part of the appeal land is screened from Box Lane the opening up of the access would detract from the rural character of the area as seen from the road and traffic in and out of the access would further erode that character. The sites, at least initially, would be largely open to view from all other directions. The domestication of the land and the diversion of the public footpath would spoil the pleasant country walk along Stoney Lane and Shothanger Way. The activity generated by the proposed developments would detract from the residential amenities of people living in the vicinity. I consider that in all these regards the proposals would be entirely contrary to the Green Belt policies which apply to the area and I see no justification for making an exception to them in these cases.

Moreover, I take the view that development of the sites would seriously undermine the planning authority's ability to restrain other developments in the gap between Hemel Hempstead and Bovingdon which could lead to the coalescence of the settlements.

Although I consider there to be weight in the road safety objections raised by local residents it does not seem to me that these can be sustained in the absence of an objection from the Highway Authority. However, the increased congestion in Box Lane which would result from the additional traffic would be at least an inconvenience to local residents and this seems to me to be a valid objection."

The Inspector recommended that both appeals should be dismissed.

3. Correspondence received since the inquiry is noted but is not thought to raise any new issue of fact or of evidence which causes the Secretary of State to take a different view of the issues identified by the Inspector.

4. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses both appeals.

I am Sir
Your obedient Servant

MRS S I REES
Authorised by the Secretary of State
to sign in that behalf