



## Department of the Environment

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 PLANNING DEPARTMENT  
 DACORUM DISTRICT COUNCIL

Ref.

Ack.

G.P.O.

D.P.

D.C.

S.C.

Admin.

File

-7 OCT 1981

Comments

Council's ref: 4/0059/81

Your reference

Our reference

T/APP/5252/A/81/7049/G4

Date

5 OCT 1981

Mr P J Fountaine  
 27 Castle Street  
 BERKHAMSTED  
 Herts  
 HP4 2DW

Sir

003829

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR R BATCHELOR

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of one dwelling on land adjoining Small Meadow, Beacon Road, Ringshall. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 16 September 1981.
2. The appeal site occupies the eastern half of the curtilage to your client's existing house, "Small Meadow". Each half has a vehicular entrance to Beacon Road. "The Haven", a small bungalow immediately west of "Small Meadow" is occupied by Mr Batchelor's eldest son, who is married. It has no vehicular access to the road, between which and the dwelling is a fenced paddock and a stable and fodder block used in connection with "Small Meadow".
3. The small settlement of Ringshall lies within the Chilterns Area of Outstanding Natural Beauty and is itself designated as a conservation area. By virtue of policy 2 of the approved Hertfordshire Structure Plan there is a general presumption against residential development in the rural parts of the county lying outside the Metropolitan Green Belt except in circumstances which are, for practical purposes, the same as would warrant permitting development in the green belt itself.
4. The broad brush approach of the Structure Plan has been refined in the deposited District Plan for Dacorum and this document identifies certain larger villages within which some limited development might be permissible provided certain criteria are met, but Ringshall is not one of those villages.
5. Taking into consideration the above policy documents, all the submissions which have been made, and my inspection of the site it appears to me that the decisive issue is whether the circumstances in this case are such as to justify an exception being made to the restrictive effect of those policies.
6. The essential feature of the case made on behalf of your client is that his family has now matured to the point at which his children are themselves marrying, that one of his sons intends to do so in the near future and wishes to continue living in the village with which the family has long been connected, and that there is ample room within the curtilage of his existing bungalow "Small Meadow" for the erection of a further dwelling.
7. It is not claimed that there is any agricultural need for the proposed dwelling, nor that it is required in connection with small-scale participatory sport, or any other specific rural use.

8. Much though I understand your client's wish to have his married children near his own house, and indeed has been successful in this in the case of his eldest son's occupation of "The Haven", I cannot accept that this is sufficient grounds for overriding the strong and clear cut policy objections to further residential development within Ringshall. There is no doubt that if permission were granted in this case it would itself form a precedent which would be cited to justify such development on other plots and thus negate the value of policies which, in my opinion, should be supported.

9. In reaching this decision I have taken into account all that has been urged on your client's behalf including the circumstances in which the 2 previous permissions referred to by you for other dwellings in the village were granted. Nothing in the submissions received is, however, so weighty as to affect the decision to which I have come.

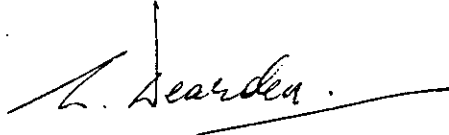
#### FORMAL DECISION

10. In exercise of the powers transferred to me and for the above reasons I hereby dismiss your appeal and refuse to grant planning permission on your application of 16 January 1981 (reference 4/0059/81).

#### RIGHTS OF APPEAL

11. Particulars of the right of appeal to the High Court are enclosed for those concerned.

I am Sir  
Your obedient Servant



L DEARDEN, JP, Barrister, FIAS, FIPHE  
Inspector

ENC

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

DACORUM

THE DISTRICT COUNCIL OF .....

IN THE COUNTY OF HERTFORD .....

To R. Batchelor, Esq., Small Meadow, Beacon Road, Ringshall, BERKHAMSTED, Herts.

P. J. Fountaine, Esq., 27 Castle Street, BERKHAMSTED, Herts.

One dwelling on land adjoining Small Meadow, Beacon Road, Ringshall. at

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 16th January, 1981, and received with sufficient particulars on 19th January, 1981, 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 Chilterns Area of Outstanding Natural Beauty and within a rural area beyond the Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 need for development in any rural settlement in the rural areas beyond the Metropolitan Green Belt must be appropriate to that area. Such a need has not been proven in this case.

Dated 26th day of February, 1981.

Signed [Signature]

Designation Chief Planning Officer.

## 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.